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ATLANTIC HIGHLY MIGRATORY SPECIES
ADVISORY PANEL

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INTRODUCTIONS AND ANNOUNCEMENTS

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3 MODERATOR CHRISTOPHER ROGERS: We can
4 conclude that in about one half hour. Just as a
5 point of business for those who are on invitational
6 travel orders. Federal regulations do require that
7 travel vouchers be submitted within five days of the
8 completion of travel. And for the most part, our AP
9 members are good about that. But we do have some
10 stragglers on a continuing basis. So, I'd encourage
11 you -- we've adopted John Graves' format this year
12 by giving you a pre-addressed envelope. Hopefully
13 that will facilitate it. So, please within hours of
14 safe arrival at your home destinations, get your
15 receipts together and get those in. Because it
16 helps us clear the vouchers through the system.

17 When we do a travel authorization, it
18 actually obligates money that is estimated for your
19 travel. And to the extent that your travel actual
20 expenses exceed or are under that estimated amount,
21 it doesn't clear the books, so to speak, until we
22 actually get the travel voucher in and process that.

23 So, either money will be tied up or we'll need more
24 money than we envisioned. And that can be a

1 budgeting problem for us with this many travelers.

2 So, again, I encourage you to abide by federal
3 law, which is five days.

4
5 BILLFISH - CONTINUED

6 MODERATOR CHRISTOPHER ROGERS: All
7 right. We're going to try to wrap up the billfish
8 discussion that we had yesterday afternoon, and we
9 had to stop briefly for some bluefin tuna
10 discussions on allocation, which were successfully
11 concluded in my view. So, we don't need to return
12 to that. Just a few items under billfish.

13 But one of the items that I was
14 personally leaving -- losing sleep over last night
15 until I got to the office this morning to do some
16 research on the exemption for billfish sales in the
17 Caribbean region, and I believe John had quoted from
18 -- John Dean had quoted from the adopted fishery
19 management plan about the exemption.

20 And I knew there was some
21 responsibility on the part of the Council to follow
22 through. And what the plan did require was that
23 there would be an exemption for the artisanal and
24 handgear fishery in Puerto Rico, exemption from the

1 prohibition on sale. But it did require that the
2 Caribbean Council in cooperation with the Puerto
3 Rican government develop and implement a tracking
4 system for billfish landed under the exemption, and
5 it would be limited to 100 billfish per year, and
6 that the exemption -- I'll quote from the plan.
7 This exemption will not be in effect until the
8 permitting and tracking systems are operative. And
9 then in parentheses implementation of exemption
10 pending approval by the five involved Councils.

11 And I'm not exactly sure what
12 happened in that period after 1988. The regulations
13 were issued without the exemption and the
14 regulations were never changed through the point
15 where they were turned over to the Secretary of
16 Commerce under Secretary's responsibility in 1990.
17 And they have been incorporated under the
18 consolidated regulations with the Billfish Amendment
19 1 in 1999.

20 So, the regulations have always
21 stated a prohibition on sale with no exemption for
22 that Puerto Rican handgear fishery. And I guess I
23 could do some more research for those who might be
24 interested as to whether it was an act of omission

1 or commission that led to the non-submission of the
2 -- or non-development of the tracking system.

3 Do you have any further thoughts on
4 that, John Dean?

5 JOHN DEAN: Yeah, thanks. Thanks,
6 Chris. Well, if it's an error of omission or
7 commission, it would appear to me that it behooves
8 your office to really examine that, because as of
9 '90 it's your plan. And therefore, the construct of
10 that tracking and monitoring system would be the
11 responsibility of the agency, because we were out of
12 the game.

13 So, I think because of the issues
14 that have been raised, it is important that this be
15 properly resolved, and probably needs to be
16 addressed in some formal manner.

17 MODERATOR CHRISTOPHER ROGERS: Well
18 then perhaps briefly we should have a discussion on
19 the -- we didn't really raise it as a specific
20 issue, but would require a plan amendment, and as we
21 indicated earlier in the discussion that we would be
22 opening up the Billfish Plan for an amendment.

23 Would it be the view of the panel
24 that that would be a good thing to pursue this

1 exemption for the Puerto Rican handgear fishery and
2 to develop a tracking system? John first and then
3 Ellen.

4 JOHN DEAN: No, I think that what we
5 need before we can even engage in that discussion is
6 we need a real technical clarification and
7 understanding of what's involved. It's premature to
8 even raise it today, and I think that your AP should
9 have the benefit of looking through -- your people
10 looking through that and come back to us. I don't
11 think it's something to insert into the agendas as
12 an aggressive discussion today.

13 MODERATOR CHRISTOPHER ROGERS: Well,
14 the only reason I raise that is that we do recognize
15 that a plan amendment takes some time. And if it's
16 something worth pursuing, we would need to get
17 started on it. I know we had some discussion
18 yesterday about the magnitude of landings, and
19 whether they are classified as IUU or should be
20 counted against the 250 fish recreational landings
21 limit. So, those are two current problems, issues
22 that we face, and are going to face sooner rather
23 than later in the Compliance Committee at ICCAT.

24 So, I don't see that it warrants a

1 delay insofar as if the panel has views as to
2 whether such an exemption should be pursued under
3 the Secretary's responsibility or authority. We
4 would need to begin that process under Amendment 2.

5 Ellen Peel.

6 ELLEN PEEL: I think you're exactly
7 right, Chris. I mean, in light of the discussion we
8 had yesterday that it has been raised that there
9 could be a thousand fish caught either illegally and
10 sold illegally as IUU or whether it's artisanal
11 folks gone wild, far exceeding a hundred fish. I
12 think the fact that the monitoring system wasn't in
13 place might have aided this gross exceeding of a
14 hundred fish.

15 I think you have to go in now and
16 look at the artisanal issue. It may be in fact with
17 -- that we don't have an artisanal fishery that it
18 may need to be closed completely. But I think
19 absolutely you need a monitoring system, you need to
20 go in and find out what went wrong, what the agency
21 failed to do and why this problem has happened so
22 that you have more information when you go to ICCAT.

23 Thank you.

24 MODERATOR CHRISTOPHER ROGERS: Ken

1 Hinman, then Nelson Beideman, Bob Zales, Bob
2 McAuliffe.

3 KEN HINMAN: Yeah, I would say the
4 issue is as Bob Hayes described it yesterday. We
5 need to develop a plan for enforcing the current law
6 on this fishery, to make sure that no illegal
7 landings or sales are occurring, so that we can
8 report to ICCAT that we have recognized a situation
9 and dealt with it swiftly.

10 I don't see any reason to go back and
11 review the exemption. I mean that was 15 years ago.

12 The way I understood it was the Caribbean Council
13 was given repeated opportunities to come forward
14 with some information on the size extent of the
15 artisanal fishery there so that it could be
16 considered for an exemption, and that they never
17 came forward with that. And so it sort of was left
18 hanging that -- you know, should they come up with a
19 system for monitoring and tracking that exemption,
20 and they would get the exemption. And they never
21 came forward with that.

22 So, at this point, since we're -- so
23 much has changed with the status of the stock, with
24 what we're dealing with here, I don't see any reason

1 to revisit the exemption issue. I think it's an
2 enforcement issue that we should act on very
3 quickly. And I think NMFS should be paying
4 attention to that as its priority.

5 MODERATOR CHRISTOPHER ROGERS: Thank
6 you, Ken. Nelson, then Bob Zales, then Bob
7 McAuliffe.

8 NELSON BEIDEMAN: I would agree with
9 Ken as far as the enforcement issue, you know, right
10 off the bat. But with Ellen, as far as pursuing the
11 artisanal and we need to be very careful to be
12 consistent with where we need to go in ICCAT on
13 artisanal, because there are much, much larger, you
14 know, issues that are involved with that at ICCAT.
15 And also -- you know, to pursue the data collection
16 system.

17 But I think we need to keep in mind
18 that over the last couple of years we've been
19 learning the unique situation down the Caribbean and
20 this -- you know, should be across all HMS species.

21 So, I would -- you know, get the enforcement in
22 line, you know, as a first priority and then -- you
23 know, pursue a plan to deal with this artisanal and
24 to pursue really good data collection across all

1 HMS.

2 MODERATOR CHRISTOPHER ROGERS: Thank
3 you, Nelson. Bob Zales.

4 ROBERT ZALES, II: Yeah. I agree
5 with pretty much everything that's been said so far,
6 and I would suggest that in trying to look to see
7 what happened, I think I would start with the
8 Federal Register Notices that were first issued.
9 And the reason why I say that is because in the Gulf
10 Council, and this is one reason why I look at the
11 Federal Register pretty much every day now, is
12 sometimes language gets lost between Council staff
13 and the Fisheries Service and drafting intent of
14 what was done. And when it gets lost, very few
15 people look at this kind of information. And once
16 it's in that Federal Register and moves forward,
17 then it's essentially done. And with the charter
18 boat moratorium in the Gulf of Mexico, that kind of
19 a problem costs us about a year and a half in my
20 estimation for implementation of that moratorium.

21 And I would think, too, that even
22 though I've personally got a problem with the sale
23 of recreationally caught fish or any kind of
24 situation like that, it appears to me that this

1 Caribbean thing could be similar to a Native
2 American thing like we have on the west coast, where
3 they have special exemptions and special rights to
4 things.

5 So, it needs to be looked at and
6 considered. And if it was initially talked about to
7 be considered, it should be moved forward and looked
8 at.

9 MODERATOR CHRISTOPHER ROGERS: Okay.
10 Thank you. Bob McAuliffe.

11 ROBERT MCAULIFFE: Yeah, everything
12 that's been said is correct. You do need to look
13 into what happened, but what you also need to
14 consider is that part of what helped it develop is
15 the importation of Pacific fish. And that is rubbed
16 into the face of the artisanal fishermen all the
17 time, that yes, they can go in the grocery store and
18 there's marlin there. Why can't they sell their
19 own? You probably should find some way to block
20 that marlin from market, also.

21 And then we need to get back to what
22 I've been -- what I keep bugging you about. We need
23 to cover the artisanals with a blanket permit for
24 the other HMS fisheries. We don't need to reopen

1 that hundred fish thing. It's closed, it should be
2 kept closed, but you need to find out what happened,
3 correct what happened, and legalize the other HMS
4 fisheries for the artisanals. Because right now
5 they're -- you're forcing them all to be criminals.
6 It's being forced on them.

7 So, let's correct that. Let's make
8 it legal. Find a way to do it right. But I don't -
9 - we've brought up the marlin issue, but I don't
10 think we need to be dealing in marlin.

11 We're not looking to wholesale
12 harvest marlin and sell them. It would be very
13 nice, but it would hurt the United States too much.

14 We don't need that. But we do need to be given the
15 proper attention in the Caribbean.

16 MODERATOR CHRISTOPHER ROGERS: Just a
17 point of clarification. So, your suggestion would
18 be to look into an amendment to the HMS FMP for a
19 characterization and authorization for an artisanal
20 handgear fishery with respect to tunas and swordfish
21 and sharks, but not revisit an exemption for sale of
22 billfish by an artisanal fishery for marlin?

23 ROBERT MCAULIFFE: Correct.

24 MODERATOR CHRISTOPHER ROGERS:

1 Eugenio.

2 EUGENIO PINEIRO: Yes, I would
3 include also the artisanal fishers, but I want to
4 make clear in here that it's an enforcement problem.

5 I mean, no one should buy it, in any moment think
6 that the artisanals are the guys catching this fish.

7 I mean in the 15-foot wooden boat, it's not easy to
8 catch a 300 pound marlin -- blue marlin or 400 pound
9 marlin. I mean, we are perhaps pointing the gun in
10 the wrong direction. It's not the artisanals who
11 are not complying with the law. We have to look at
12 the big picture in here.

13 So, perhaps it would be wiser not to
14 decide it right here right now, go back, the AP
15 should give you all the -- every possible angle and
16 some things don't have to be decided right away. We
17 waited 15 years. We can wait a little bit longer.
18 But perhaps it would be wiser for us to give it a
19 little time and address this issue when we have all
20 the figures at hand and all the parties -- all the
21 interest -- all the stakeholders can come forward.

22 MODERATOR CHRISTOPHER ROGERS: Any
23 others on the topic of billfish exemption? Ramon.

24 RAMON BONFIL: Thanks, Chris. I

1 think we should be very careful when we consider
2 what happened in the past. And my proposal would be
3 to really investigate what was the status of the
4 agreement. The exemption -- there seems to be a
5 feeling here that they lost the 100 fish exemption
6 because the Council locally there didn't do their
7 job.

8 I don't think we should be punishing
9 the fishermen for the responsibility of the Council.

10 I think we should be very careful when proposing
11 things like that, because it would set a really bad
12 precedent that because a governmental body didn't do
13 its job the fishermen end up paying the price of it.

14 MODERATOR CHRISTOPHER ROGERS: Any
15 other comments relative to an exemption for Puerto
16 Rico? Ellen Peel.

17 ELLEN PEEL: Related on the law
18 enforcement issue. It was noted yesterday that you
19 have one very good enforcement officer there, but
20 obviously no one man or woman can do all of the job.

21 How does the agency allocate its budget? I mean
22 with this huge problem that seems to be -- or at
23 least is alleged to be down there, are you in a
24 position in this year's budget to put more money

1 into having more enforcement officers down there?

2 MODERATOR CHRISTOPHER ROGERS:

3 Unfortunately I can't answer that question. I would
4 have to get the Office Director, Dale Jones, to
5 respond on his budget allocation for the year, and
6 his priorities for placement of enforcement assets.

7 But I can certainly try to get something back to
8 the panel members on that.

9 ELLEN PEEL: And you are making him
10 aware of the potential need? I mean obviously a
11 need to have more focus on this, so that he can
12 consider it?

13 MODERATOR CHRISTOPHER ROGERS: That's
14 correct.

15 ELLEN PEEL: Thank you.

16 MODERATOR CHRISTOPHER ROGERS:
17 Eugenio and then Ken.

18 EUGENIO PINEIRO: Last time I saw Dan
19 O'Brien, there's a new NOAA agent going to work in
20 the west coast for the first time. He should be
21 starting in March. So, let's see what happens.
22 Hopefully things will get much better.

23 UNIDENTIFIED: Yeah, there's a new
24 agent, who is just about finished training and

1 should be deployed relatively soon.

2 KEN HINMAN: I just wanted to amend
3 something in my previous comment -- or add something
4 to it. I still believe that enforcement is the
5 number one issue here, but in light of what Nelson
6 said regarding artisanal fisheries at ICCAT and what
7 Bob and Eugenio have said about needing to deal with
8 the artisanal fisheries regarding other HMS species,
9 I think it probably behooves us to really take a
10 look at our policy on artisanal fisheries for HMS
11 and how we are going to maintain those, promote
12 them, regulate them, and all those kinds of issues.

13 Because as Nelson said, I think our showing a --
14 both an understanding of those fisheries and their
15 place in our fisheries and how we are going to deal
16 with them can only help us in dealing with a lot of
17 other countries and a lot of other issues at ICCAT.

18 MODERATOR CHRISTOPHER ROGERS: Ellen.

19 ELLEN PEEL: But to that point, I
20 guess in the evaluation I would also like to think
21 that there would be reasonable consideration in
22 light of -- you know, is there a true legitimate
23 artisanal fishery? I mean or is this segment of the
24 population really just as eligible and capable of

1 being either permitted commercial fishermen or
2 recreational fishermen. We don't need to encourage
3 a special exemption if it's not truly warranted.

4 I mean, they certainly are not -- do
5 not fall in a treaty category as Indians, as Bob had
6 said. And so maybe perhaps in the Caribbean we
7 don't have a need, but that needs to be evaluated
8 truly, objectively.

9 MODERATOR CHRISTOPHER ROGERS: Okay.
10 Thank you. Bob. Bob McAuliffe.

11 ROBERT MCAULIFFE: What we do have
12 that we refer to primarily as an artisanal fishery
13 is what you would call a mosquito fleet operation,
14 in that all the participants are operating in very
15 small boats anywhere from 16 to 26 feet. And
16 they're going offshore. They're not only
17 participating in HMS fisheries -- and now at least
18 in St. Croix many of them have the tuna permit, but
19 the tuna permit does not have a reporting
20 requirement, so you're not tracking all of that.

21 We are collecting some of that
22 through a cooperative held dealer permit, but that
23 whole thing needs to be structured for the
24 particular needs and -- oh, what's the word,

1 dynamics of the fishery that we have there.

2 It's all small family-owned
3 operations that -- granted, they have a little bit
4 better equipment nowadays in that their boats are
5 fiberglass instead of wood, and most of them are
6 putting two engines on them, but they're out there a
7 strictly small boat operation. But it's a lot of
8 them. It's not like 10 or 12. You're talking
9 hundreds and hundreds of these boats spread out
10 through the American islands. And it's a very
11 cultural thing and it needs to be handled
12 differently from what the traditional large boat
13 fisheries that you have throughout the rest of the
14 country.

15 MODERATOR CHRISTOPHER ROGERS: Okay.

16 I think we have some homework to do as an agency to
17 come to a clear understanding of the record of what
18 happened during that 1988 period to the point where
19 the plan was turned over to the Secretary in 1990.
20 And then we'll provide that information to the panel
21 members. Bob, last word on this subject.

22 ROBERT ZALES, II: No, I just wanted
23 to remind you that we have submitted a demonstration
24 project for funding that's been reviewed for a

1 couple of years up here now. That would go a long
2 way toward giving you the information that you need.

3 It's still in the SK program. You might have it
4 pulled to take a look at it. And I think you'll see
5 the merits of it.

6
7 MONITORING OF BILLFISH

8 MODERATOR CHRISTOPHER ROGERS: Okay.

9 Russ was just going to present a few items on --
10 with respect to monitoring of billfish, tournament
11 registration, the direct reporting by anglers, and
12 also -- which would be germane to the discussion we
13 just had, the billfish Certificate of Eligibility.
14 We need to renew that under the Paperwork Reduction
15 Act. And the question that we had for the panel on
16 the Certificate of Eligibility is that should the
17 program be expanded? We did hear some comment from
18 Eugenio that the marlin for sale, at least in Puerto
19 Rico, can have false passports I think is what the
20 reference was.

21 So, there may be some need to tighten
22 up that program, particularly if we were to pursue
23 an exemption for an artisanal handgear fishery. So,
24 there you go, Russ.

1 RUSSELL DUNN: All right, yeah. A
2 fair amount of this is just sort of an update with
3 some questions for advice from you all. First I
4 want to touch on tournament registration and
5 reporting. And forgive me for flipping back and
6 forth, but this computer won't let us have that up
7 on the screen as well.

8 So, as everyone here knows or should
9 know, we have registration and reporting has been
10 mandatory for tournaments since '99. There was at
11 last year's AP meeting support expressed for the
12 agency to move toward web-based registration and
13 reporting, which we have as an agency done a lot of
14 work on. We have a proposed -- we have just last
15 week received back a proposal in response to -- it's
16 a requirements document that we presented to enable
17 us to do this.

18 We think that moving to web-based
19 registration and reporting will simplify and speed
20 registration for tournament operators and that it
21 may help us improve compliance. As I mentioned
22 yesterday, compliance has increased pretty
23 significantly. We're up to 254 tournaments, up from
24 83 the year before.

1 And just to give you a quick idea of
2 what it will look like, and I don't have any screen
3 shots, but there will be one portal for both
4 registration and reporting, so one website.
5 Operators would go, it would be a secure website.
6 They would enter a PIN number. Once they're online,
7 they can -- they would enter in their tournament
8 information. They can go back, they can add to it,
9 modify if. If the dates change because of weather
10 or whatever, they can delete the tournament. If
11 it's canceled for some reason, they can update their
12 tournament operator contact information.

13 Reporting-wise, they would go back to
14 the same website. They would enter using a PIN.
15 You would get confirmation numbers when you register
16 to make sure that you are registered given that --
17 to make sure that you know you are registered, given
18 that we now have the exemption for the general
19 category folks to participate in tournaments -- in
20 registered tournaments. It's important for you all
21 to be able to tell those operators yes, we are
22 registered.

23 When you go to report, non-billfish
24 landings would essentially stay right in that

1 website, and this website -- the proposal we just
2 got back is from Aucklent, which is the same company
3 that has done the bluefin tuna website for us.

4 The billfish data, while you would
5 report it through the same website, which actually
6 be shot down to the RBS database and entered into
7 that, because we want to make sure that we didn't
8 disrupt that database. So, we have worked very hard
9 to make sure that it will be compatible with
10 existing systems. So, that was more of an update.

11 One of the -- let's see. This is
12 again an update of the landings, which we went over
13 yesterday. A couple of people have had question.
14 These are the RBS numbers as of just about a week
15 ago today. 70 blue marlin, 20 white marlin, 21
16 sailfish, 34 swordfish, one spearfish.

17 One of the issues that we do need
18 some guidance from you all on is there is the
19 potential for data lags in tournament reporting, if
20 tournaments become of extended duration. Meaning
21 we've heard chatter that to allow some general
22 category boats to go out and fish recreationally
23 year-round, they will -- people may start
24 tournaments that go from May 31 to June 1 for very

1 low entrance fees, so it essentially allows those
2 folks to fish year-round. That will create a
3 problem in obtaining accurate billfish data in a
4 timely manner.

5 And so what we need to ask of you all
6 is do you all see that as a problem? Do you see it
7 as a real issue which may arise? And if so, how do
8 you suggest that we address that?

9 We could do things such a specify for
10 extended duration tournaments. We could specify
11 reporting frequency. Tournaments may have to report
12 every two weeks, four weeks, six weeks, whatever the
13 advice may be. We could put a restriction in that
14 limits tournament duration, or any other suggestions
15 you all may have. And at that point I guess I would
16 ask for -- at this point some input, since we've
17 jumped -- Ellen.

18 ELLEN PEEL: Russ, there is a
19 tournament in Miami that has been in place for years
20 that is a year-round event, you know, long before
21 these permits came in. So, and that's the only one
22 I know of, other than maybe some inter-club
23 competition. But I would say obviously it could
24 cause some problems and you're going to have to have

1 at least every -- reporting a minimum every month if
2 you do have such a situation.

3 RUSSELL DUNN: Yeah, I want to make
4 clear we have not run into a problem yet. I have
5 not -- as the one who receives all the tournament
6 registrations, we have not seen a flood of new
7 tournaments that are of a year long or six-month
8 long duration. But it's chatter that we hear and we
9 want your thoughts on whether we should try and head
10 this up now or wait till we see if there's a real
11 problem.

12 UNIDENTIFIED: How do you -- and
13 because I know there's some tournaments and clubs in
14 the panhandle, Mobile Big Game is one, Pensacola Big
15 Game is another, to where -- like Mobile Big Game
16 they have two major tournaments, Memorial Day and
17 Labor Day. And then in between they'll have like a
18 ladies tournament and then --. Do they register
19 each tournament individually as a tournament? So,
20 in a situation like Ellen's talking about, that
21 would be a unique situation, I guess, to where it's
22 a year thing, so you would require it because --

23 RUSSELL DUNN: That's correct.

24 UNIDENTIFIED: Do we go ahead and

1 comment on anything else, or just that particular
2 issue right now?

3 RUSSELL DUNN: If you have other
4 issues, please.

5 UNIDENTIFIED: On the tournament
6 registration -- back up to a previous page, if you
7 would. The website part I kind of like. What is
8 the reason for -- when they download their
9 tournament information, that you're going to take it
10 off the site and just load it into RBS? Why
11 wouldn't you load it into RBS and also maybe leave
12 it on the site, too, just for people to see?

13 RUSSELL DUNN: I haven't thought
14 about that issue. I guess the most important thing
15 was within the agency to make sure that we didn't
16 disrupt the RBS system. I'd guess that I would have
17 to go back and check. I don't think there's a
18 reason we couldn't maintain a duplicate copy, but we
19 wanted to make sure internally and so that you all
20 knew that the continuity of the RBS system was not
21 going to be compromised using this new system. So,
22 there is no reason.

23 UNIDENTIFIED: Okay. One other
24 question is where you've got on there

1 billfish/swordfish report. The tournaments that we
2 do in the Gulf, they include tunas. And so is that
3 just -- you just have that in there, you're looking
4 for the tuna information, also?

5 RUSSELL DUNN: Right. That tuna
6 information was also be captured. The RBS picks up
7 all the billfish related tournaments and captures
8 all the fish caught during those tournaments. But
9 the non-billfish related tournaments -- there are a
10 number of tournaments which are solely tuna
11 tournaments or solely shark tournaments, more in the
12 northeast. And that data -- those tournaments are
13 not currently included -- or captured by the RBS.

14 UNIDENTIFIED: One other suggestion,
15 and I guess you would need to discuss this with some
16 of your tournament people and I would suggest run it
17 across this thing, too. Years ago in the Gulf when
18 we had the survey that was done out of the Panama
19 City lab, they used to come and when you'd come in,
20 they would ask you specific questions as to what
21 areas you fished, how much time you spent there,
22 along with what you caught and let go.

23 And not to mandate this, but I would
24 suggest that maybe you look at doing a voluntary,

1 and this would be like another mini-logbook type
2 thing, that the tournament could use -- you know, I
3 would think that it would benefit the tournament as
4 well as you all for gathering information as to --
5 especially with the amount of effort and time spent
6 and stuff like that on these fish.

7 So, you might consider doing that,
8 and not rush out and create one without any advice
9 from anybody, but -- you know, talk to people and
10 maybe start with that initial questionnaire that
11 they did with Panama City.

12 Because I know in the Gulf, every
13 tournament that I've participated in, everybody
14 there -- they loved it and they didn't have any
15 problem answering the questions that they asked.

16 RUSSELL DUNN: Thanks. Yeah,
17 currently what would be reported to both sites --
18 well, would go into either database -- would be data
19 similar to what's collected right now under the RBS
20 system in terms of effort and releases and tagged
21 fish and all that. Just so you know.

22 ROM WHITAKER: Yes. As I understand,
23 your accounting period is June 1st to May 31st; is
24 that correct? The only tournaments that I can think

1 of -- some states have their citation tournaments or
2 release tournaments or whatever, where you get a
3 citation. But I know in North Carolina it runs
4 January to December, and I think Virginia's does
5 also. Bob Pride could probably tell you. But that
6 would only -- those would give you somewhat of a
7 skewed -- you know, to what your count is. But
8 anyway, that was the only point I was going to make.

9 UNIDENTIFIED: But are you getting
10 those data? Do you know? I mean, I had not thought
11 about the state citation programs and -- I mean we
12 call it the North Carolina Saltwater Fishing
13 Tournament. You know, at the end of the year,
14 whoever's got the most releases gets a trophy or
15 whatever. But it covers all the HMS species and it
16 might be a good data source for you to look at and
17 track at least -- you know, it's not all-inclusive
18 obviously, but it does give a good trend in terms of
19 billfish, tuna, wahoo -- well, you all aren't
20 interested in that, but at any rate, we could report
21 those data if you're interested in receiving those.

22 RUSSELL DUNN: Yeah, we certainly
23 capture sort of all the governor's cup tournaments,
24 which are strings of individual tournaments sort of

1 linked together under one title. The state citation
2 tournaments, I know Maryland has one. I don't
3 believe we capture those because it's really just a
4 citation. It's not -- doesn't fall under the
5 definition of an actual tournament. But that being
6 said, we certainly would not turn down any
7 additional data.

8 The thing we have to be careful of is
9 that we're not double-counting those fish that were
10 either called in individually or were landed as part
11 of a separate tournament. And we do have checks in
12 place where we could do that, certainly.

13 JOSEPH MCBRIDE: Thank you, Russ. A
14 couple of things. First of all, the rationale from
15 the agency's point of view for prohibition of the
16 general category participants that go shark fishing,
17 what's the reason for that, to be in the shark
18 tournament?

19 I know we revised it now for
20 tournaments, but let's say a general category boat
21 wanted to go out, he wasn't tuna fishing, and he
22 wanted to go out shark fishing. Is he prohibited
23 currently? Because he doesn't have the HMS, you
24 know, license for -- whatever --

1 MODERATOR CHRISTOPHER ROGERS: That's
2 correct, and we had this discussion last year. The
3 rationale for the rulemaking was to effectively
4 separate the commercial and recreational sectors.
5 We did recognize the concern about tournament
6 participation and did a rulemaking to address that.

7 But --

8 JOSEPH MCBRIDE: But I'm still not
9 clear. Boat A is in a general category. Not
10 fishing for tuna, he's not selling it, and he wants
11 to go shark fishing for catch and release or
12 whatever, consumption or whatever the case may be.
13 What is the problem with that?

14 MODERATOR CHRISTOPHER ROGERS: Again,
15 the --

16 JOSEPH MCBRIDE: I mean what's the
17 administrative problem or what's -- is it a moral
18 problem, an ethical problem? Somehow I'm missing
19 this thing.

20 MODERATOR CHRISTOPHER ROGERS: Well,
21 the problem is that the regulations were becoming
22 increasingly complicated with respect to what a
23 recreational boat is authorized and required to do,
24 as opposed to a commercial vessel. And this extends

1 beyond the HMS regulations into Fishing Vessel
2 Safety Act.

3 And it became apparent to us that
4 there was a need to effectively separate
5 recreational fishing from commercial fishing in
6 terms of stipulating what catch limits, size limits
7 applied, what safety equipment would be required, to
8 facilitate Coast Guard inspections. That was the
9 rationale that was articulated in the rulemaking.

10 Again, in response to concerns after
11 the rule was issued, we did accommodate tournament
12 participation. But if the panel wants us to revisit
13 the permitting structure to allow more versatility
14 in choice of commercial versus recreational fishing,
15 we can certainly do that in Amendment 2.

16 The one category that we did
17 recognize had the significant level of activity in
18 both areas, recreational and commercial, was the
19 charter/headboat category. So, we did accommodate
20 that.

21 JOSEPH MCBRIDE: Yeah, okay. But is
22 this a concern about a loophole that allows somebody
23 to allegedly be shark fishing when he's really tuna
24 fishing, similar to what you used to have when you

1 had the angling in general categories only, and the
2 guy in the general category would be out on a closed
3 day saying he's fishing for grandma's sandwiches for
4 the winter or something. And that's why you
5 allegedly made those separations and so forth and so
6 on.

7 And I can understand that. But I
8 really -- you know, to me if a boat at our dock
9 wants to be in a general category to sell giant
10 tuna, that's fine. And if he wants to take the
11 family out and go shark fishing, unless there's a
12 loophole you're concerned with. And you don't have
13 to answer it. I mean it's just something -- I just
14 don't see the logic to it. And I could very well be
15 missing the forest, you know, as I'm looking at the
16 trees routine.

17 But I have a couple of other things.

18 What's the difference between a tournament and a
19 contest? For example, in the harbor of Montauk and
20 I'm sure every other harbor -- and I'm speaking now
21 sort of specifically toward loopholes, if one -- if
22 you're trying to avoid loopholes.

23 Every marina has a board and it has a
24 whole bunch of species and Joe Blow this week has

1 the largest Fish A, Fish B, including pelagics,
2 including tuna, including, you know, inshore fish
3 and so forth. Is that considered a contest or a
4 tournament? And should they report or do they
5 report?

6 RUSSELL DUNN: Well, that's actually
7 an issue that we're having some difficulty with sort
8 of rodeos versus tournaments and what's the
9 definition, how tight should we become on the
10 definition. Right now it really stands at
11 tournaments are events which award points or prizes
12 for HMS that are brought in -- well, or not
13 necessarily --

14 JOSEPH MCBRIDE: So, for your
15 purposes, you're not worried because -- the other
16 answer is most of these boats that participate for
17 these tournaments with very little if any prizes
18 involved. It's just prestige. Certainly in our
19 harbor. I'll speak specifically.

20 The main tournaments, when we say a
21 tournament we're talking a two, three-day event, you
22 know, with some -- it's usually a pelagic of one
23 kind or another, in our area basically shark. And
24 it's -- you know, big money involved. You know, but

1 if I were looking for a loophole, I'd say no, I'm in
2 a tournament all year. I'm in the West Lake Marina
3 tournament, and I fish in that tournament from the
4 date I put the boat in to the date I take the boat
5 out. And I don't know what this means for your
6 statistics, for enforcement and so forth, and that's
7 why I asking the first question.

8 I mean -- but you're not considering
9 these contests tournaments for your -- for the
10 purpose of your reporting?

11 RUSSELL DUNN: Generally that's
12 right. I mean the concern you just raised is the
13 one I was trying to raise, which is there is the
14 potential for loophole to be created to allow
15 general -- a lot of general category effort to be
16 entered to the rec fishery, and then that can cause
17 problems.

18 In terms of your second question, is
19 it a contest, is it a tournament, as we worked this
20 year -- my staff and I worked to significantly
21 increase compliance with registration of
22 tournaments, we came across dozens of little
23 tournaments where we would call up the folks and
24 talk to them, and they would say -- you know, yes,

1 we did a website, but it's really me and three guys
2 and the prize is a six-pack of beer. And at that
3 point we really considered that a contest rather
4 than a tournament, so --

5 UNIDENTIFIED: Thank you, Russ. A
6 couple of questions. Maybe you're going to get to
7 it, but if a tournament as you define a tournament
8 does not register, what's the ramifications? Is
9 there a fine? Is there a sanction? What happens on
10 that?

11 RUSSELL DUNN: That is a good
12 question. There is a penalty schedule for
13 noncompliance with registration and reporting. I do
14 not know what the penalty schedule is. So, I can't
15 answer precisely, but there are potential fines
16 involved for tournaments that A, don't register,
17 that we can show are a real tournament, and B,
18 tournaments that don't report.

19 And there have in the past been cases
20 where enforcement has contacted tournaments when
21 we've been unable to get them to register or report.

22 And either we or the Southeast Fisheries Science
23 Center, who handles the reporting aspect, will
24 contact enforcement, show the record of efforts that

1 were made to contact that tournament, and then we
2 turn it over. At that point it's out of our hands.

3 My understanding is in most of the
4 cases when enforcement calls, we get a pretty prompt
5 response and the data comes in.

6 UNIDENTIFIED: Okay. One other item.

7 I know in my area that sometimes there were four or
8 five boats get together and have what they call a
9 brown bag tournament, where it's just between these
10 four or five boats. And they all put up a
11 substantial amount of money, what I'd say, some are
12 \$5,000 a boat, and whoever can catch the largest
13 billfish.

14 Now, in some cases the years past, I
15 do know they have landed billfish, and but I haven't
16 heard about any of these tournaments in the past
17 couple years, but surely if they're releasing them,
18 but what about -- those people are going to be hard
19 to account for, aren't they?

20 RUSSELL DUNN: We're never going to
21 have a perfect definition, and that's a perfect
22 example of what falls under this gray area. And we
23 have I think scheduled for later a discussion -- if
24 time allows -- of the definition of a tournament and

1 if you all have suggestions on how we might be able
2 to tighten that definition to either capture or
3 exclude actions such as you just described. And
4 where should we draw that line.

5 UNIDENTIFIED: One other point then
6 about definition of a tournament. So, maybe it
7 would be like the Coast Guard has a definition for a
8 charter. If anyone receiving any kind of -- I don't
9 care if it would be a six-pack of beer or for taking
10 some people out, they're still a charter. So, maybe
11 that could be incorporated in there. Thank you.

12 GLENN ULRICH: I just had a quick
13 question for you, Russ. I kind of like the idea of
14 this web reporting and everything. Is that a very
15 expensive system to set up, simple, or --

16 RUSSELL DUNN: Glenn, yes, it is
17 pretty expensive. I believe it's a little over
18 \$100,000, the proposal we got back for this for
19 initial setup fees. I don't recall offhand what the
20 annual operating fees would be, but it is relatively
21 expensive, yes. However, I have to say that right -
22 - as we have increased compliance with registration
23 and actually this also leads us into our next
24 discussion about non-tournament reporting, the

1 administrative burden on the agency staff is
2 increasing as more fish are reporting from call-ins
3 and more tournaments register and report. It's
4 taking an increasing amount of time for the staff to
5 do this real administrative stuff which takes us
6 away from addressing more substantive issues.

7 So, while we can say well, it's
8 \$100,000 ball park to do this, that cost can be
9 pretty significantly offset by freeing up staff to
10 do more substantive issues than typing in the e-mail
11 address of the tournament.

12 GLENN ULRICH: And I would assume
13 that as time goes on, your initial costs, you know,
14 be absorbed and it should -- what I'm getting at is
15 talk about the first day eight million dollars to
16 the MRFSS survey. I think going to something like
17 this for, you know, reporting on all pelagic or HMS
18 species once you get this streamlined and maybe it's
19 an experiment or whatever, if you've got all these
20 costs taken care of and everybody reports on the
21 internet, and I think you got real-time data. I
22 mean, of course there's problems with it. But to me
23 this is the way of the future and it's a heck of a
24 lot better than the MRFSS. That's the only point I

1 have.

2 RUSSELL DUNN: Great. And that's
3 actually a great lead-in to the next topic, which is
4 the non-tournament reporting. As you all know, the
5 call-in system was implemented in March 2003. The
6 current system call-in was really intended to be a
7 stop-gap measure until we could get an electronic
8 system up and going. And we have received a
9 proposal back from the same company for that, and
10 it's about the same price, a little over \$100,000
11 for that system. That system will capture all those
12 species which are required to be called in right
13 now. There is discussion within the agency of
14 expanding it to all HMS, although that's not part of
15 the current proposal right now that we've received
16 back.

17 As -- I won't go too far into this
18 issue. We have -- compliance has been improving, as
19 we talked about numbers yesterday. Last year we had
20 three sailfish and 28 swordfish, but that was only
21 in that period of March 2nd to May 31st. You can
22 see the numbers for this year, which we've talked
23 about a couple of times thus far.

24 One of the big questions that has

1 arisen, and one of the comments we've received a
2 number of times, is that the agency should collect
3 release information, not just landings information.

4 And I guess our question is how can we best collect
5 this release information?

6 We've heard time and again well, if
7 you collect releases, you'll get more landings. I'm
8 a little skeptical of that, but if that is the
9 truth, how can we achieve the buy-in so that we will
10 get releases recorded.

11 How should we best record those? And
12 how should we -- how can this be done efficiently?
13 Should we do it over this internet site? That's my
14 assumption. Should we -- until that site can be up
15 and running, if we have the budget allocation to do
16 so, should we add it to the telephone call-back
17 system? Should we produce some sort of landings or
18 release cards or another system? I guess I would
19 ask for your feedback at that point -- this point.

20 UNIDENTIFIED: I think that for
21 releases, I think the internet is the way to go. I
22 think people calling in releases when they get back
23 from -- I think that would be much more a problem --
24 with the landings. I think they're just not going

1 to be willing to come back in -- I mean, several
2 will, but most are going to be -- that's going to be
3 the last thing they'll be thinking about.

4 But you might follow it up with a
5 fishing report or what they might -- you know, fill
6 in and report to the internet, you know, sometime
7 down the line. So, I would think that's the way to
8 go on releases.

9 MODERATOR CHRISTOPHER ROGERS: Bob
10 Pride.

11 ROBERT PRIDE: I'm trying to think
12 about reporting releases. You know, obviously this
13 is the first time I've heard this and I'm just
14 trying to think out loud a little bit. But I really
15 don't see that there would be a great deal of
16 impetus to comply with that. I mean it just -- you
17 know, what's the point of collecting release
18 information if -- and I don't think that people
19 would get really excited about it. I mean unless
20 they had -- unless there was a good reason for
21 having that data. And that's going to take a lot of
22 education to get people to report it and understand
23 the reasoning behind it.

24 MODERATOR CHRISTOPHER ROGERS: Ellen

1 Peel.

2 ELLEN PEEL: Russ, we already
3 distribute release cards, which are separate and
4 different from the tag and release. So, we have a
5 database for years on released data that -- you
6 know, we're happy to share. We are -- we find we're
7 distributing more and more of those cards, in the
8 thousands, and we'll be happy to share -- you know,
9 with anyone that feel -- on your list.

10 In terms of tournament and non-
11 tournament, yesterday we had -- I think it was
12 raised, I know I mentioned it in part. Do we need
13 to look at a division of -- you know, and maybe
14 we're getting away from the 250, but maybe -- you
15 know, either all landings only in tournaments or 50
16 fish outside so the charter boats would have an
17 opportunity but with body tags? Or individuals, but
18 require a body tag on any fish that's caught outside
19 of a tournament. And then you'd have leverage on
20 the tournament itself with penalties. But require
21 body tags if anyone's going to bring a fish in.

22 RUSSELL DUNN: If I can just clarify
23 one thing that Bob Pride touched on. I guess the
24 rationale that we've been given for why anglers are

1 suggesting that we collect releases is to give us a
2 better idea of the true level of recreational effort
3 that is out there. They feel that it's biased low
4 by just recording the landings, fish brought to the
5 dock, that it's biased low. And so they're
6 suggesting that if we have a system that captures
7 the true effort, people would be more likely to
8 comply with the system. That's what we're being
9 told from anglers.

10 ELLEN PEEL: I know you heard a lot
11 of this in the Gulf, which I hear, and I think what
12 I also in going to these clubs and tournaments each
13 year and the public hearings know they're saying
14 they want you to know, for instance on white marlin,
15 they don't land white marlin, but they want you to
16 know that they're seeing more or how many they are
17 seeing so that you don't think that the fact that
18 they're not killed that they're not out there.

19 They're saying if they just knew how
20 many we've interacted with, and we documented, that
21 might help their understanding. So, it's species as
22 well as effort.

23 RUSSELL DUNN: Absolutely right.

24 MODERATOR CHRISTOPHER ROGERS: Okay.

1 Russ Nelson, then Louis Daniel, Nelson Beideman,
2 Bob Zales, Eugenio.

3 RUSSELL NELSON: In terms of this
4 release information, I don't know if your office
5 pays attention to it, but the agency collects all
6 the catch and effort data from the release
7 tournaments to Florida and other places. It goes
8 into the assessments at ICCAT. So the agency
9 collects a lot of catch and effort data from pure
10 release tournaments that's out there. It's made
11 available.

12 I just wondered how much did the
13 call-in reporting system cost last year?

14 RUSSELL DUNN: The current system
15 that we have?

16 RUSSELL NELSON: Current for -- yeah.

17 RUSSELL DUNN: It didn't -- outside
18 of staff time, there was no actual cost for
19 hardware. It used a pre-existing messaging system
20 at headquarters, in which anglers call to and leave
21 some information. Then we develop the database with
22 software and hardware, which we already had, and
23 that is what's used currently. So, it was --

24 RUSSELL NELSON: So, it was absorbed

1 by the agency. So, the only additional cost that
2 was the creation of the permitting system and
3 whatever that --

4 RUSSELL DUNN: That's correct.

5 MODERATOR CHRISTOPHER ROGERS: Okay.

6 I had Louis Daniel, Nelson Beideman, Bob Zales,
7 Eugenio and Mike Leech.

8 LOUIS DANIEL: Just a few comments.
9 I don't think there's going to be five percent
10 compliance with a computer system. I don't know
11 about the majority, but I think -- well, I would bet
12 that the majority would know at the end of the
13 season how many billfish they caught. And I can
14 tell you exactly how many I've caught back ten
15 years. Every year.

16 And when we have -- in North
17 Carolina, for example, we have in our Wildlife
18 Resources Commission, we get to kill a swan every
19 year. And at the end of the year you send in a
20 postage-paid postcard that said did you hunt swans,
21 and you check yes or no, how many did you kill or
22 what was the disposition of that swan, you know.
23 It's something you remember.

24 We do the same thing for our HIP

1 surveys for duck hunting and woodcock hunting and
2 those types of things, where you know at the end of
3 the year what you've done and whether or not you've
4 harvested -- you know, how many fish you've
5 released. And I think if you were to send out a
6 packet to your HMS angling folks with those release
7 card -- with a release card for the year, with maybe
8 the order form for your new guide, you know, all
9 that kind of information, that would go a long way
10 towards getting the information that you need out to
11 the public.

12 But as far as the numbers of fish are
13 concerned, I just don't understand why there would
14 be ever a circumstance outside of a tournament that
15 we would want somebody to kill a billfish, unless
16 they were encountering a potential world-record fish
17 that they wanted to bring to the hill.

18 And so I just -- I would think that
19 some type of a tag system like they have down in
20 Florida where you can -- if you want -- if you're a
21 charter boat operator or a private angler, you want
22 to buy a tag to kill a blue marlin, you buy a tag,
23 have a body tag. But why we would ever just let
24 anybody kill a white marlin outside of a tournament

1 -- and I don't know, I guess there's one tournament
2 where they kill blue -- white marlin, it may not be
3 any now. Two tournaments where they kill white
4 marlin. Outside of that, what's the purpose of
5 killing a white marlin? Especially under the gun
6 that we're under review now.

7 It would seem to me that if we -- you
8 know, the tournaments bring in such good PR, money,
9 they do a lot of charitable work, as well, you know,
10 support those tournaments, have a set amount. But
11 to just allow the general public to go out and kill
12 a blue marlin or a white marlin at their whim with
13 the gun we're under with ICCAT just seems like
14 that's a bad idea.

15 MODERATOR CHRISTOPHER ROGERS: Nelson
16 Beideman, then Bob Zales.

17 NELSON BEIDEMAN: I think release
18 reporting is going to become very, very critical at
19 the ICCAT level, as well, and that we need to get
20 started. I think we need to look at this as an
21 opportunity -- an opportunity to avoid -- you know,
22 what happened with the 250 fish, avoid as much as
23 possible extrapolations that are very, very
24 controversial, and it seems like no one is happy in

1 the end with estimates -- extrapolated estimates.
2 And if we don't have some direct reporting, that's
3 exactly what's going to happen is extrapolated
4 estimates.

5 I think this should be looked at as
6 an opportunity and that -- you know, it should be as
7 tight a program as possible. You know, we look at
8 logbooks and cards as comparable reporting from the
9 boat level, as to what we do in the commercial
10 fishery. But very, very important is the dockside
11 intercept follow-up, that monitoring that's -- you
12 know, very similar to observers in the commercial
13 fishery.

14 We do not think that -- you know, the
15 call-in method is effective, and have our doubts
16 that a website, you know, call-in, would be much
17 better. I think it would be an improvement on a
18 telephone call-in, but I don't know. Maybe you're
19 going to get the compliance that -- you know, has
20 already been pointed out on swordfish by Russ to be
21 quite lacking.

22 But I think it's going to be critical
23 in ICCAT to have accurate release numbers.
24 Otherwise, I think they're going to be extrapolated

1 and estimated and -- you know, we all know how that
2 works out.

3 MODERATOR CHRISTOPHER ROGERS: Okay.

4 Bob Zales and then Eugenio, then Mike Leech.

5 ROBERT ZALES, II: I agree with some
6 of what Nelson's saying. The release information I
7 think, especially the way it's been estimated, I
8 think that if you can get a better handle on what's
9 actually released, especially not so much when it
10 comes to the ICCAT part of it, but even with the
11 status of the stock. To me obviously if you get a
12 better handle on what has been let go, you've got a
13 little better idea of what's out there and it may
14 change in assessments the status of that stock.

15 But at the same time, your call-in
16 system that you've got now is -- you're calling in
17 to report landed fish. And a comment was made
18 earlier why somebody would want to kill a fish and
19 any kind of billfish, I don't believe that anybody
20 out there does. But periodically these fish die in
21 the bite. And most anglers that I know of don't
22 like to waste the resource, not that they're killing
23 them, but if this fish is dead, they don't see the
24 rationale in just letting that fish float away when

1 it could be utilized by their family or friends or
2 whatever. So, in those cases, that would happen.

3 The tag situation we discussed
4 several years ago and they do that in Florida with
5 tarpon, and it's undoubtedly worked out to be a
6 successful thing. So, I would support that, too,
7 but I'm going to float something here, too, that
8 whenever you send a permit to somebody, whether it's
9 an HMS charter or angling or whatever, for the
10 recreational community and for the charter community
11 you might want to develop -- for lack of another
12 word, I'm going to call them mini-logbook. Be like
13 to one-page sheet. That with that permit you send a
14 sheet to these people. The permit's numbered, the
15 permit number goes on the sheet. I go fishing, I
16 land a fish wherever, I let go five fish, whatever I
17 do. I write that down, time, place and date, and I
18 send it to you.

19 And then I can either make copies of
20 that for future fishing or at some point you develop
21 an electronic part of it to where it could be done
22 on-line, and I think in that respect then I think
23 where some of us are headed with data, that is kind
24 of the beginning process of getting into some hard

1 data from the recreational and the recreational
2 charter industry to give you better information as
3 to what you're used to getting. So, that's just a
4 suggestion.

5 RUSSELL DUNN: Another similar
6 suggestion we've had, or a few that have come out is
7 that the website where people can get their --
8 obtain their permits, that we also allow -- or
9 require that to renew your permit the next year that
10 you would have to fill out a similar sheet to -- how
11 many did I catch this past year, and then once you
12 fill that in for your renewal, then it allows you to
13 move forward with your renewal.

14 MODERATOR CHRISTOPHER ROGERS:
15 Eugenio, then Mike Leech.

16 EUGENIO PINEIRO: Nelson said what I
17 wanted to say, so I'm not going to -- it's important
18 that we start doing this immediately. The sooner
19 the better.

20 MODERATOR CHRISTOPHER ROGERS: Okay.
21 Mike Leech, then Rom Whitaker.

22 MICHAEL LEECH: I think the reason
23 that people are not reporting the swordfish catches,
24 I think they are reporting pretty much -- at least

1 everybody that knows about it is reporting their
2 billfish landings. But swordfish is a different
3 matter.

4 I'm a member of four different clubs
5 down in South Florida, and I visit and speak at
6 other clubs down there. So, I've got a pretty good
7 feel of what their reaction is from the anglers down
8 there. And it's basically just widespread mistrust
9 that any information they give to the agency is
10 going to be used against them somehow. True or
11 false, that is the general feeling. And I don't
12 have an answer to it right now.

13 Chris was at a meeting that we held
14 down there to talk about the bag limits and trip
15 limits on swordfish. I think we had probably a
16 hundred people there, Chris. There was not one that
17 spoke in favor or supported restrictions on the
18 landings of swordfish. It was a fishery in its
19 infancy. After not having any swordfish for 20
20 years, we were now beginning to catch a few
21 swordfish, probably the total catch was one half of
22 one percent of the U.S. quota. It was basically
23 insignificant.

24 And then we found ourselves with a

1 trip limit and a bag limit with absolutely no
2 conservation justification. It seemed to us that it
3 was regulating just for the sake of regulating
4 because you could regulate.

5 In many of their opinions down there
6 it was a fishery that should be encouraged and
7 expanded, not restricted and stifled. So, that is
8 the reason that I know a lot of them are not
9 reporting.

10 I think that feeling -- at least in
11 the Southeast Swordfish Club is they're trying to
12 overcome it. They're talking at the Swordfish Club,
13 there was a hundred people there a couple of weeks
14 ago. And it was a major point of discussion. I
15 know the club is trying to help get reports in
16 because the anglers will report to the club.

17 The purpose of the Southeast
18 Swordfish Club is the members call in when they
19 catch a fish, or they don't catch a fish, and report
20 where they're catching them or not catching them.
21 So, the guys going out a day or two or three later
22 will have a better chance of zeroing in on where the
23 swordfish are and what depth they are and all that.

24 So, it's a good group. It's a

1 hardcore, serious group. But even so, I think they
2 had 144 reports. And even if half of them didn't
3 report, you're still an insignificant amount that
4 we're putting in an ordinate amount of effort on,
5 and now we're talking about body tags and more
6 restrictions when we should be talking about the
7 real problem, where most of the mortality is. And I
8 don't know why we're not doing that and spending so
9 much time on this.

10 MODERATOR CHRISTOPHER ROGERS: Okay.

11 I had Rom Whitaker, Glenn Delaney, Bob Pride and
12 Russ Nelson, Rick Weber. And then we'll have to
13 move on to the discussion of the swordfish
14 Certificate of Eligibility, or the billfish
15 Certificate of Eligibility.

16 ROM WHITAKER: Thank you, Chris. I
17 think the idea of the reporting of your billfish on
18 the internet or through the mail, but anyway, make
19 it a priority that you have -- or make it required
20 that you have to fill it out before you get your
21 permit is an excellent idea.

22 But you need to be sure that what's
23 reported is non-tournament, because you're already
24 getting your tournament -- or you're supposed to be

1 getting it from your tournament reports. So, we
2 don't want to get into a double-counting standard
3 there. So, I think that needs to be clarified.

4 The Second thing was the state
5 registration or state citation programs, those that
6 have them in Virginia and North Carolina. I can
7 tell you from an angler's standpoint that they are
8 very proud of catching a marlin, since it's such a
9 rare event, and that in most cases they're going to
10 have it filled out. And that would give you a
11 pretty good indication of what's going on non-
12 tournament wise from the states that are
13 participating. So, that would help. Thank you.

14 MODERATOR CHRISTOPHER ROGERS: Okay.
15 Glenn Delaney, Bob Pride and Russ Nelson, Rick
16 Weber. Bob Zales, you need to speak again on this
17 topic? Because we are going to run out of time.
18 This is our last day for this meeting. So, okay.
19 Glenn Delaney, Bob Pride, Russ Nelson, Rick Weber,
20 Bob Zales and then we'll have a brief discussion on
21 the swordfish Certificate of Eligibility and renewal
22 of that program.

23 GLENN DELANEY: Thank you, Chris.
24 Glenn Delaney. I can think of numerous reasons why

1 we would want to have excellent data on release.
2 I've always thought that tournaments provide an
3 outstanding opportunity to develop an index of
4 abundance for billfish based on catch per unit
5 effort if we had great data.

6 I mean the scientific aspect of
7 having release data would be a tremendous
8 opportunity to help improve what is a pretty dismal,
9 miserable database that we use at ICCAT to perform
10 our stock assessments on billfish.

11 So, that's just one thing, that
12 tournaments could make a huge contribution to the
13 scientific understanding of the status of the stock
14 with that type of an index of abundance.

15 But in any case, the data should be
16 reported to ICCAT as part of our own national report
17 in their efforts to do stock assessments. That's
18 important work.

19 Also a totally different concept, it
20 really has helped us at ICCAT to promote billfish
21 conservation with other countries to be able to
22 stand tall and proud and say hey, our anglers
23 release at least 90 percent of the billfish they
24 catch. If we just show up with one number, 250, and

1 not the other side of the coin, which is yeah, but
2 we caught whatever that number is, and that's -- you
3 know, that's our demonstration, documented
4 commitment to conservation, and that's what we're
5 about, and that's why it's important for us to get
6 you guys on board, as well.

7 So, absent that number, it's just
8 sort of a hollow claim to run around and say well,
9 we released 90 percent of them, but there's no data
10 to back that up. So, again I've used that time and
11 time again at ICCAT with maybe some effect.

12 And also, finally, as Nelson
13 mentioned, we really fell into a trap when we had to
14 agree to the 250 number. At that time, I think many
15 of us perceived, rightly or wrongly, that -- you
16 know, we wanted to -- maybe suppress isn't the right
17 word, but there was sort of a mentality that we
18 don't really want to talk about killing billfish,
19 and that we didn't really want to admit or be as
20 forthright about the number of billfish we killed in
21 the United States, or landed -- I didn't mean to
22 sound pejorative there, but how many we land in the
23 United States, because we really were trying to
24 stress how few that was as compared to how many we

1 caught.

2 And we fell into a trap as a result,
3 I think, with low numbers, and as a consequence --
4 you know, that's why we're living with perhaps an
5 unrealistic number, or not the correct number. And
6 you know, ICCAT often -- more often than not -- uses
7 catch data, not landings data in their analyses.

8 And in fact the billfish, when I
9 remember we worked on drafting that particular
10 recommendation, we had to be very careful about
11 using the word landings instead of the traditional
12 catch reference. And that was quite a debate. And
13 it was a major point of that recommendation, a
14 distinction of that.

15 I guess what I'm saying is we can
16 anticipate that maybe someday billfish management at
17 ICCAT will be based on catch data for us, too. And
18 if we don't have it, there's a trap again. We never
19 collect the data on catch, and we're going to
20 managed based on a catch level that we never
21 properly documented, and you're going to fall short
22 again and you're going to be miserable with the
23 number that you get.

24 So, but again, the most important is

1 being able to promote conservation and -- you know,
2 I was going to kind of put John Graves on the spot
3 and say aren't there some scientific benefits to
4 having a real good database on release, you're the
5 billfish science expert, and also Phil Goodyear,
6 what you think about that. Is there some potential
7 there?

8 UNIDENTIFIED: Absolutely, Glenn.
9 And in fact, the tournaments do report their
10 releases. That's an index of abundance. The
11 limitation of that in developing something for an
12 Atlantic-wide stock is that our coastal fishery is
13 fairly -- you know, limited in its scope in terms of
14 going in there. But it is -- it is an index of
15 abundance. And as you look at it now, that the
16 commercial fleets have gone to release of live
17 billfish and we're not -- we don't have good
18 observer coverage internationally, those time series
19 are going to be suspect. And so the time series
20 that will remain continuous are in fact the
21 recreational -- the tournament database.

22 GLENN DELANEY: At ICCAT we use --
23 for many species or stocks, we use multiple CPUE's
24 and weight them differently based on the scientific

1 judgment as to their -- you know, robustness and
2 stuff like that. But so having another CPUE on
3 something as reliable as a tournament would be
4 great.

5 UNIDENTIFIED: They're incorporated
6 now. We use them.

7 UNIDENTIFIED: Yeah, one thing I want
8 to make clear. Catch at ICCAT is landings, and only
9 landings. It's the biomass. That's by definition.

10 GLENN DELANEY: Catch and discards.

11 UNIDENTIFIED: Well --

12 GLENN DELANEY: Well, a release in
13 that sense would be a discard, and if we're not --

14 UNIDENTIFIED: Only if it's dead.
15 And it would be reported in biomass.

16 GLENN DELANEY: There's an important
17 consideration of catch in terms of estimating
18 mortality -- maybe not for billfish.

19 UNIDENTIFIED: Yes, I don't -- I'm
20 quite aware of that. But the official statistics in
21 ICCAT are dead animals in biomass units.

22 GLENN DELANEY: I understand that,
23 but there also are important uses of live release in
24 estimations of mortality -- total mortality.

1 UNIDENTIFIED: There's no contest
2 there. But in the assessment --

3 GLENN DELANEY: (Inaudible)
4 information --

5 MODERATOR CHRISTOPHER ROGERS: All
6 right. I think we need to move on with the
7 discussion. Bob Pride, Russ Nelson, Rick Weber, Bob
8 Zales. And then swordfish -- excuse me once again,
9 billfish Certificate of Eligibility.

10 ROBERT PRIDE: I think Glenn brought
11 up the idea about people purchasing a tag before
12 they can land a billfish. I think that solves the
13 distribution question we were talking about
14 yesterday about tags. If you don't have -- if you
15 haven't bought your tag, you can't do it. I'd like
16 to see the -- if we go that route, I'd like to see
17 the agency commit that money, you know, less the
18 cost of the tags, to marlin research.

19 I think the call-in data, like many
20 people have said, for the landings is okay. I think
21 that most people will call in as soon as the word
22 gets out, and we're not going to have any particular
23 issues on marlin for people reporting the few
24 landings that there are.

1 Back to the -- I think Rom mentioned
2 that people are really proud to have these state
3 citations for releases. Virginia has that program,
4 Maryland has a program, North Carolina -- I guess
5 some other states may, too. And the plaque that
6 Virginia gives out for that is a very nice plaque.
7 Now, there are some minimum sizes involved in some
8 of the states. But I think the federal government
9 should consider if they want to get some release
10 data, a really nice way to do it would be to give
11 some kind of release citation. I mean even if it's
12 just a nice-looking piece of paper with the NOAA
13 seal on it, it would be better than nothing. And I
14 think it would give anglers something -- you know,
15 when somebody shows up in your fishing club with
16 this release citation, everybody else is going to
17 want one, too. And I think you could probably
18 implement some relatively inexpensive citation that
19 would have the status with it that we want to get
20 people to report. And I think that would help you a
21 lot.

22 Since all the states don't have the
23 release citation programs, and because the minimum
24 sizes are involved, the federal government could do

1 it for any size and just say okay, you released a
2 marlin, you know, you're a hero and thanks for
3 reporting and la-la-la-la-la, and the admiral thanks
4 you. I really would like to see us pursue
5 rulemaking for that. I think that would be a good
6 way to go.

7 And Russ, you need to put me on your
8 website bid list. You need to put me on your
9 website bid list. You're spending way too much
10 money.

11 MODERATOR CHRISTOPHER ROGERS: Okay.

12 We had Russ Nelson, Rick Weber, Bob Zales.

13 RUSSELL NELSON: I heard the recall
14 for releases, too, Russ, and largely I think what I
15 heard was anglers saying why don't you want to know
16 how many fish we're releasing as opposed to just
17 concentrating on the few that are being killed? And
18 it wasn't a matter of anything other than their
19 feeling that they were being characterized for
20 killing fish and in fact they knew that they were
21 releasing the overwhelming majority.

22 You know, everybody's right, the
23 tournament data goes in, we have a U.S. and
24 Venezuelan tournament catch per unit effort data set

1 that goes into tuning the models at ICCAT, and
2 that's good. Just asking for raw release data, I
3 mean from a public relations perspective, someone
4 may think that's a good idea. But without accurate
5 estimates of effort and those releases, and knowing
6 you're getting it from the entire universe, there's
7 no scientific value to that. So, I would be wary of
8 putting too much effort or resources into it.

9 It is a little -- I appreciate the
10 people who look at this 250 fish thing with a sense
11 of absurdity, and I think it -- I doubt if there's
12 another nation in the world who sits around spending
13 this much time worrying if they're right, if they're
14 accurate, plus or minus 250 fish in the estimates
15 they're sending in and the number of animals they
16 caught and/or released in the entire world. That
17 kind of precision generally isn't available.

18 But it is an unhappy and necessary
19 reality that we have to deal with. I fully agree
20 with those who have said that in order to maintain
21 our credibility in the ICCAT process, if we'd like
22 it or don't like it, we have to live with it and we
23 have to come up with a credible way of living with
24 it.

1 I would suggest that prior -- well, I
2 don't know when. I would suggest that the agency
3 sit down and try to do some real analysis and look
4 at what has happened in the future. Take a look at
5 what has occurred in the tournament level over the
6 last five years, ten years, as a time series from
7 the beginning of the fishing year to the end, how
8 many -- what is the average catch per tournament in
9 terms of fish that have been landed, in terms of
10 blue marlin, how many -- in order to get an idea of
11 how many fish might be a reasonable limit for each
12 tournament, or how many fish might be needed to
13 allow these tournaments to proceed a pace in roughly
14 the manner they have done in recent years, an
15 estimate of how many fish that likely is going to
16 take up out of our 250 every year.

17 I think that you ought to throw out
18 as an option to the public the idea of not allowing
19 any landing whatsoever of white marlin with the
20 exception of tournaments. I mean, given the
21 severity of that overfished situation, given the
22 problem with the listing and those threats, there
23 ought to be a hiatus, I think, in landings.

24 I know this is going to have an

1 impact on some people, but I don't think -- I think
2 it's a sacrifice that most people might be willing
3 to make, especially if it was a sacrifice for a
4 short term.

5 And take a look at the idea of body
6 tags or what could be made available to specifically
7 account for those odd fish that might be taken for
8 whatever reason to be -- to be held -- to hold a
9 charter client as hostage, to make sure they don't
10 have buyer's remorse when they return to the dock
11 with their dead fish and wanted to get out of the
12 amount, which unfortunately happens too often, more
13 often for those people who are legitimately seeking
14 records.

15 You wouldn't have to worry so much, I
16 don't think, about how many such body tags to make
17 available. If you made a large number of them
18 available, made a requirement that upon use it had
19 to be reported that, when you had your tag, once you
20 put it on the fish, you had to report it within 24
21 hours. And if you did not report it within 24
22 hours, you would be ineligible to get another body
23 tag, some setup like that to try to tighten up this
24 reporting requirement. And basically allow the

1 tournaments a set number of fish.

2 If you felt it was needed or if the
3 data show it was needed, perhaps indicate to each
4 tournament what their maximum take could be and
5 leave it to the tournaments to decide how they could
6 deal with that.

7 In other words, you might say you're
8 going to have -- based on your average take of fish,
9 your history over the last five years or whatever,
10 and I wouldn't go back too far because you've got to
11 realize that the tournaments have been changing,
12 increasing minimum sizes and otherwise, increasing
13 their restrictions on takes, but say all right,
14 you're going to get six fish, you're going to five
15 fish, you're going to get four fish. Or everybody
16 gets five fish or everybody gets three fish.

17 Tell the tournament that you can hold
18 your tournament, but in order to guarantee that
19 everybody holds a tournament this year, you will not
20 be allowed to land more than X number of fish. And
21 then let the tournament deal with how they want to
22 put that into effect.

23 Put some concrete proposals out, take
24 them to the public, proposals that have some teeth

1 in them and indicate that they're actually going to
2 be in effect for a short period.

3 This -- and please, if you want to do
4 any more of this survey work, please for God's sakes
5 get in touch with some people who have good
6 quantitative backgrounds in survey and census work
7 in wildlife and fisheries biology.

8 There is a great deal of literature
9 out there about what works and what has not worked
10 in the past, how to do it, where the biases are. If
11 anybody had looked at that literature last year,
12 before proposing this approach, you would have
13 realized the inherent problems in it.

14 But I think we ought to go ahead and
15 look at limiting the tournaments, how many are they
16 going to need, restricting the landings of white
17 marlin out of the tournament for a set number of
18 years, and looking at some sort of body tags or some
19 other way to get a more accurate or more credible
20 count of blue marlin that are taken.

21 MODERATOR CHRISTOPHER ROGERS: Thank
22 you, Russ. We had Rick Weber and Bob Zales.

23 RICK WEBER: Russ -- talk about a
24 tempest in a teapot brewing here. Russ, I know

1 you've attempted to ground-truth your own numbers.
2 How far off do you really think you are? I mean
3 you've been reading the recreational publications.
4 I know you've been searching for misses in your
5 data. What have you found?

6 RUSSELL DUNN: Well, it's difficult
7 to say. The swordfish I don't want to take a stab
8 at, because I think to use the term significant --

9 RICK WEBER: Almost no one around the
10 table has been discussing --

11 RUSSELL DUNN: With respect to blue
12 and white marlin, and this is a ball park guess,
13 based on conversations with the people in different
14 states who say I know of X number of fish that were
15 landed in my state and not reported, and in looking
16 through magazines, seeing pictures of folks with
17 fish that we can verify were not landed, chat
18 boards, things like that on the websites, this is my
19 speculation -- would be that the blue and white
20 marlin landings are between 1 and 300 percent low,
21 which sounds significant, but if you look at the
22 numbers, I think we have seven blue marlin right
23 now. So, you're looking at maybe 21 or so. But I
24 would say we're in the range of 1 to 300 percent low

1 for white and blue.

2 RICK WEBER: I would agree with you;
3 and therefore, I think most of the suggestions I've
4 heard bounced around the table are just -- they're
5 out of time, they're out of place yet. You know?
6 We're nowhere near the 250. The system is working
7 reasonably well. You're saying you might have
8 missed 24 blue marlin nationwide. The high end of
9 your estimate is you might have missed 24 blue
10 marlin nationwide. I don't know what expense we
11 need to go through to find those last 24 marlin, but
12 it doesn't sound cost effective. We sound like
13 we're damn near dead on.

14 There's an infinite amount of money
15 we can spend. How much money will we spend to find
16 the last two marlin, the last one marlin? 24 marlin
17 is what the man who's doing the census thinks he's
18 missing, and he's attempted to ground-truth himself.

19 RUSSELL DUNN: That's with one
20 caveat. That is not including the discussion about
21 what's happening in the Caribbean -- Puerto Rico.

22 RICK WEBER: I understand, and that's
23 a new topic that's really come up recently that
24 we'll all need to deal with together. I'll leave

1 all the accuracy numbers -- I'll just leave that all
2 aside.

3 As far as effort, as the permit
4 system came together, for years we were told give us
5 a surveyable universe, we need to know who's in this
6 fishery so we can survey them. We can get far
7 better numbers by surveying the universe. You now
8 have the universe. I don't know why we're not
9 surveying it.

10 In commercial fishing, we attempt to
11 maximize commercial benefit. In recreational, we
12 need to maximize recreational benefit. The idea of
13 reporting every time you come in in order to get
14 real-time release data, it's going to minimize the
15 recreational benefit. The fishermen are going to
16 enjoy the trips less and less and less, and
17 therefore go less and less and less.

18 An end of year survey, a partial
19 survey, the idea of needing to report before you can
20 get your next permit, I'm fine with all of it. I
21 have no problem with getting the estimate. I'm just
22 -- I'm very leery of this each time you go fishing
23 you need to report or a call-in for releases or
24 something like that. I don't think we're going to -

1 - I think we're going to harm the recreational
2 industry for not a lot of statistical benefit.
3 That's really all I had here.

4 MODERATOR CHRISTOPHER ROGERS: Okay.

5 Last word, Bob Zales.

6 ROBERT ZALES, II: Yeah, I expanded
7 to a couple of things now. The key thing is
8 whenever you do this, you need to get coordinated
9 with the various state agencies that's going to be
10 bordered on the waters of the EEZ, to have them work
11 with you in conjunction with you to advertise what
12 you're wanting to do, to implement what you want to
13 do, and be totally coordinated with them. That was
14 one key problem I think in that HMS permit that you
15 all created as lack of knowledge, number one, as to
16 whether or not you had jurisdiction in state waters.
17 In the state of Florida, I know that was a
18 tremendous problem.

19 The other thing is -- and this is in
20 reference to what Russell was saying, and I guess to
21 explain a little bit further about the one-page
22 potential mini-logbook, I would suggest that you
23 include that kind of information as to the day that
24 the person fished, the area that he fished, the

1 number of hours that he put into it and how many
2 fish that he either landed or let go. And that
3 would kind of give you a handle on that information.

4 And whether or not it's going to be used right now
5 or not, I'm not too sure. But at some point in the
6 future, I think that that would create the beginning
7 of that database.

8 So, that's basically what I'd like to
9 -- one other thing. The current year of June 1 to
10 May 31. It appears to me with the problems that
11 we're having with this 250, that that could become a
12 potential problem and I know of one tournament that
13 could be affected by that in the Gulf of Mexico, and
14 that's the Mobile Big Game Club Tournament that
15 happens on Memorial Day weekend.

16 So, for that reason I would suggest
17 that you consider looking at -- to see if anybody on
18 the tail end will not be affected, but to move that
19 year to May 1 to April 30. And that's it.

20 MODERATOR CHRISTOPHER ROGERS: Okay.

21 Thank you, all, for your thoughts and input. Russ
22 is very quickly going to go over the current
23 billfish Certificate of Eligibility program. As I
24 said, it is up for renewal under the approval that's

1 required for the Paperwork Reduction Act. And we
2 can either renew it without change or propose
3 changes to it. And that's the input we would like
4 from the panel.

6 SWORDFISH CERTIFICATE OF ELIGIBILITY

7 RUSSELL DUNN: Very briefly. The
8 purpose of the Billfish CEO is to ensure that
9 Atlantic billfish are retained as a recreational
10 resource, to better assist the agency in quantifying
11 billfish that enter into commerce in the U.S., and
12 ensure that any billfish that does enter trade has
13 not been harvested in its Atlantic Ocean Management
14 Unit, which does vary by species.

15 The requirements of the program:
16 First receivers have to complete the COE as a
17 condition of domestic trade. That does include fish
18 coming up from the South Atlantic and Pacific fish.
19 Dealers and processors who subsequently receive or
20 possess the fish have to retain a copy of the COE.

21 The COE is a pretty basic form, or
22 lack thereof, and that's one of the problems. All
23 it requires is information including vessel name,
24 home port, port of offloading, the date of

1 offloading, and then there is the dealer/processor
2 declaration, which is name, signature and date.

3 We do have a standard form that's
4 available by contacting us or on the website. But
5 the use of the form isn't required, so you can
6 create your own COE, by grabbing a cocktail napkin
7 and jotting down that same information. We've heard
8 from enforcement that this can cause problems. As
9 we mentioned, it has to accompany all the billfish
10 offered for sale.

11 So, one of the questions that the
12 agency has is is there a need to strengthen this
13 program, and in doing so should we make that form --
14 use of a form mandatory? Should reporting of that
15 form be mandatory? And if so, how best should we
16 collect that form through mail, internet, internet
17 only? There seems to be a move in some parts of the
18 agency toward trying to go all electronic. We
19 understand that can cause problems for some
20 businesses who are not computer savvy at this time.

21 One of the questions, though, is
22 because Pacific coast dealers are required to have
23 these forms, as well, would mandatory submission of
24 a form place a significant -- or too great of an

1 administrative burden on those folks who may never
2 come into contact with anything remotely resembling
3 an Atlantic marlin? And I guess at that point I
4 would turn it over to you all for any comments.

5 MODERATOR CHRISTOPHER ROGERS: That's
6 a good point I think we need to have in this
7 discussion of the burden, because by definition
8 there are no Atlantic marlin in trade, unless we
9 craft an exemption for the Puerto Rican situation as
10 we move forward on that.

11 So, the entire burden would be for
12 those who are distributing and selling Pacific or
13 Indian Ocean derived product. And you can bet that
14 there's some resistance on the part of our Pacific
15 coast and Pacific island dealers in what they see as
16 a burden imposed because of an Atlantic problem.
17 It's not a Pacific problem, they tell us, why do we
18 need to deal with this?

19 And the fact that the current program
20 only requires that the document be in the possession
21 of the same person in possession of the fish at the
22 time they are in possession of the fish, there's no
23 collection of the document on the part of the
24 agency. So, we can't effectively quantify what that

1 burden is, not knowing how much marlin is imported
2 and entered into trade from Pacific landing ports.

3 So, the question is, is the program
4 effective? If not, should we let it lapse? If it
5 is effective, do we need to improve upon it so that
6 we can avoid situations where Atlantic product is
7 falsely claimed to be Pacific product.

8 And again, recognizing that the
9 burden would be on dealers and retailers that are
10 handling Pacific product. It really isn't a burden
11 because there is no Atlantic product.

12 So, any thoughts or questions on this
13 Certificate of Eligibility program that would assist
14 us before we attempt to renew it? Irby Basco.

15 IRBY BASCO: Thank you, Chris. I
16 just had something for clarification. The marlin
17 that come out of the Pacific, is that the marlin
18 we're seeing on some of the supermarket for sale,
19 and how is that quantified, that it actually came
20 from the Pacific? Do they have a paper trail that
21 way?

22 MODERATOR CHRISTOPHER ROGERS: That's
23 the way the system is supposed to work, is that it
24 is a paper trail, as Russ stated. It is filled out

1 by the first receiver initially that I obtained this
2 product from this vessel landed on such and such a
3 date in this port. Or I imported it. And then from
4 that point on it has to travel with the product
5 right up until the point of the final consumer.

6 If you're in a restaurant and you see
7 marlin on the menu, call the manager, say hey, is
8 this Pacific? Where's your Certificate of
9 Eligibility? I want to see it. Likewise, at a
10 seafood retailer. But there is no requirement that
11 NMFS collect or require that the purveyors of marlin
12 submit to NMFS at the end of their tenure a
13 possession, so to speak. And once the consumer has
14 eaten it, they can discard the form. They no longer
15 need to have it in their possession.

16 For those in the Washington area may
17 recall a situation I believe around 1996 that
18 actually made -- not the front page, but right up
19 there in the Washington Post where at the World Bank
20 cafeteria, several individuals were victims of food
21 poisoning. And it was traced to marlin that was
22 served at the cafeteria. And I remember seeing a
23 statement in the article in the Washington Post that
24 the source of the marlin was not immediately known.

1 And I thought well, why not? There should have
2 been a Certificate of Eligibility on the premises.
3 That's what would be required.

4 So, clearly it is not a well-known
5 requirement. I say that our office gets a call --
6 oh, I would say at least once every several months
7 to ask about this certificate. I never heard of
8 this, but somebody was in my restaurant and asked
9 about it.

10 So, again, is the problem effective?

11 Are there loopholes that are in need of closure
12 because the regulations currently say the form or
13 its equivalent, so that they could basically --
14 we've heard situations where purveyors of billfish
15 will draw something up on the spot that meets the
16 informational requirements of the regulation. And
17 that does sometimes pose a problem, that you have to
18 do research with invoices and shipping documents to
19 see whether the document produced on the spot
20 effectively -- is effectively corroborated.

21 So, again, it's a program that may or
22 may not be effective, but it's on the books. Do we
23 need to renew it? And if so, do we need to renew it
24 with changes? Bill Utley.

1 WILLIAM UTLEY: Having personally
2 been involved with tying up with some Maine DMR and
3 NMFS enforcement time earlier this year with some
4 strange-looking striped marlin being sold in one of
5 our local grocery stores in Maine, the Certificate
6 of Eligibility in that case never really left the
7 importer in the Greater Boston area, and it took a
8 considerable amount of effort by the Portland, Maine
9 NMFS office to chase back to where this Nicaraguan
10 or Guatemalan marlin was coming from.

11 And so I think it ought to be -- the
12 information should be there and it should follow the
13 fish, all the way to the sales point. Because it
14 turned out the grocery stores didn't have a clue
15 what they had. It was Pacific blue marlin. They
16 were selling it as striped marlin. And it wasted a
17 lot of people's time.

18 I had good support from the
19 enforcement office in Portland, but -- and we did
20 get the marlin out of the local stores. It would
21 have been a lot easier if that certificate had been
22 right there on the counter.

23 MODERATOR CHRISTOPHER ROGERS: Well,
24 just to clarify, that is the requirement. That up

1 until the final consumer, it has to track with the
2 fish. So, if it's a restaurant, a seafood
3 wholesaler, seafood retailer, the certificate must
4 be on the premises with the fish. But again, the
5 regulations read that once the fish is sold, it's
6 gone off with the consumer, then the certificate
7 doesn't need to be retained. It doesn't need to be
8 submitted to NMFS.

9 Mike Leech. Russ Nelson, do you have
10 your hand up? No? Russ, Ellen, Bob Pride.

11 MICHAEL LEECH: Chris, I think at the
12 very least the requirement should be continued, not
13 eliminated. I don't know if it needs to be
14 strengthened or not, or how much work is involved in
15 strengthening it. But I'll tell you why I think it
16 should be at least continued.

17 For about 15 years, IGFA has made it
18 known to our members that whenever they see marlin
19 for sale on a restaurant or a fish market or
20 something like that, let us know. And we have a
21 polite but firm letter that we send out to the
22 grocery store or the fish market or the restaurant,
23 whatever it may be, asking them to stop serving
24 marlin. And we point out the fact that paperwork is

1 required to show the origin of the fish.

2 And in a lot of cases, they didn't
3 know it or they don't have it, they don't want the
4 hassle. They found out that some of their customers
5 were unhappy with the marlin. And it's given us a
6 little leverage in controlling it. It hasn't solved
7 the problem, but it does give us a little leverage.

8 And without that paperwork requirement, it would be
9 I think a little bit more difficult.

10 MODERATOR CHRISTOPHER ROGERS: Okay.

11 Russ Nelson, then Ellen Peel.

12 RUSSELL NELSON: Excuse me. I think
13 certainly the certificate needs to be continued. I
14 mean in terms of whether or not it puts -- reporting
15 puts too much of a burden on dealers, I mean we have
16 reporting of a lot of fish that are taken
17 internationally now to be able to track and try to
18 control, and I just think that's a burden that has
19 to be an acceptable cost of doing business.

20 If you balance that against the
21 burden that would be placed on the enforcement and
22 the agency in the absence of that, to have to go out
23 and track down any marlin that doesn't have a
24 certificate -- you know, would hire John to go do an

1 analysis on it to try to determine where its origin
2 was, that those burdens and costs I think would far
3 outweigh the burden placed on dealers.

4 And further, that as of next month,
5 the federal regulations on the west coast will
6 prohibit the sale of any marlin taken -- striped
7 marlin taken in the jurisdiction of the Pacific
8 Council.

9 So, I think you certainly should
10 continue with it and should try to strengthen it in
11 any manner that you possibly can.

12 MODERATOR CHRISTOPHER ROGERS: Okay.

13 Ellen Peel.

14 ELLEN PEEL: Echoing those thoughts,
15 I think not only should it be continued, it should
16 be strengthened so that the restaurant has to
17 provide you feedback, whether it's the restaurant in
18 the World Bank or the grocery store, they must.
19 There has to be some teeth.

20 We get calls every week through our
21 No Marlin on the Menu program of people reporting it
22 in grocery stores every point -- geographic point in
23 the United States. Sometimes the folks have the
24 paperwork, sometimes they don't. They usually try

1 to say it's something else. They think they're
2 getting out by saying no, it's white marlin. But
3 that -- wrong answer.

4 But yeah, and then we provide, you
5 know, a letter sharing the information on the status
6 of the stocks and why it's important to get it off
7 the menu, and then provide a certificate for the
8 restaurants. And we try to encourage a lot of peer
9 pressure by sportfishermen who go to these
10 establishments. I have lots of chefs that call me
11 and want to make sure.

12 But put teeth to it. Don't just
13 leave it as something on the books to try to appease
14 billfish anglers. Put some teeth on it and make
15 some citations so they don't want to have it on
16 their menu.

17 MODERATOR CHRISTOPHER ROGERS: Okay.

18 Bob Pride.

19 ROBERT PRIDE: I think it's necessary
20 to keep the program in place and whether it needs
21 strengthening or not, or how to strengthen it, I
22 have no advice for you at this point.

23 I do have a question, though. How do
24 you deal with -- you know, marlin are fairly large

1 fish, so I would assume that processors tend to
2 filet them for distribution to the restaurants. Do
3 they just photocopy the certificate of origin?

4 MODERATOR CHRISTOPHER ROGERS: Yeah,
5 there'd be copied made and then distributed with the
6 fish so that you should have always a copy with the
7 original information, and it is basically a chain of
8 custody type document. You can make two copies of
9 it. If you're splitting the fish in half and it's
10 got the original information, and then the two new
11 signatures of the two receivers, and four after
12 that. So, again with the idea of a chain of
13 custody.

14 ROBERT PRIDE: So, it would be fairly
15 easy to slip some Atlantic marlin into that chain, I
16 would think.

17 MODERATOR CHRISTOPHER ROGERS: Bob
18 Zales.

19 ROBERT ZALES, II: Yeah, I would
20 suggest continuing it and strengthening it up. And
21 it's kind of like what I think I asked the question
22 the other day with swordfish, if they were required
23 to be sold to a federally licensed dealer. So that
24 as a requirement of that federal dealer permit that

1 that legitimate dealer be required to report someone
2 that comes into his dealer or her dealer and tries
3 to illegally sell a billfish or anything that
4 they're not licensed to do, so that you could get a
5 handle on that.

6 Because that I think would -- a
7 legitimate dealer, I don't see having a big problem
8 with that. An illegitimate dealer that is going to
9 deal with illegally harvested fish, I think could
10 have a problem with it.

11 And I'm doing this based on some --
12 from my friend from the Caribbean, the Chairman down
13 there was telling me a story yesterday about fish
14 that he tries to sell that he catches legally.
15 Because of some of the fish that are purchased
16 illegally in restaurants and places in Puerto Rico,
17 they tell him his product's too expensive, they're
18 not going to buy it. So, he's been adversely
19 affected that way. So, that's part of the reason
20 that I would suggest that.

21 MODERATOR CHRISTOPHER ROGERS: That
22 would raise some jurisdictional issues. As Russ
23 Nelson just noted, the Pacific HMS Plan is going
24 through the review and approval process. And since

1 it would be an outright prohibition on purchase and
2 resale of Atlantic marlin, if we did impose a dealer
3 permit requirement, we would be requiring that
4 permit of Pacific dealers and/or Atlantic coast
5 importers.

6 So, again it would require some
7 coordination, particularly in the Pacific states and
8 the Pacific island area. So, it does extend the
9 burden in a way that does cause some concern in our
10 Pacific region, where marlin are still offered for
11 sale, particularly under the -- the Hawaiian Islands
12 I know is an area where marlin are routinely sold.

13 I had Bill Gerencer and then Glenn
14 Delaney.

15 WILLIAM GERENCER: I'm in favor of
16 continuing with the program, perhaps strengthening
17 it a little bit. Dealers generally do a lot of
18 recordkeeping. We even keep records to make sure
19 that we're keeping records, and a further set to
20 make sure we're keeping those with certain things.
21 So, it's just part of what you do. But it also
22 helps on the other end and it gives your customers
23 an amount of -- a level of comfort that what they're
24 eating is okay.

1 MODERATOR CHRISTOPHER ROGERS: Okay.

2 We had Glenn Delaney, then Bob McAuliffe and
3 Eugenio.

4 GLENN DELANEY: Yes, I'm also in
5 favor of maintaining and probably strengthening a
6 manifest system, COE system, and strengthening it
7 perhaps with some spot enforcement checks. I don't
8 know how you get the authority to do this, but
9 consider using John Graves analyses on occasion to
10 spot check. And if you find some problems, there
11 ought to be severe penalties, and make examples out
12 of people. And that will even further the cause.

13 But I can't imagine not having -- I
14 mean, first of all, as you well know, ICCAT is
15 moving more and more in the direction of this type
16 of an approach for important species in trade or
17 perhaps in this case a species of concern that finds
18 its way into trade.

19 And we have for years -- at least
20 I've operated under the impression that there may be
21 some longline fleets operating in the Atlantic -- I
22 don't want to point the finger at any particular
23 country, but some of the eastern countries -- not
24 eastern Atlantic, but Asian countries maybe I should

1 say, operating large longline fleets in the Atlantic
2 who are freezer vessels and tranship their products
3 or offload their products and have it shipped back
4 through ports in Southeast Asia.

5 And we've always wondered where all
6 that Atlantic marlin that they must be catching ends
7 up. And we've always suspected that it was
8 laundered through Singapore or wherever and put back
9 into the United States as Pacific marlin.

10 And you know, if we go the opposite
11 direction and move away from any system whatsoever,
12 it would seem to just open the door completely to
13 that trade, if it does indeed exist.

14 So, you know, that's always been a
15 great concern of mine, and I'd like to see us
16 continue and perhaps strengthen it with some actual
17 enforcement. Just having a piece of paper that says
18 this is an Atlantic marlin is not a great test to
19 meet. It would be nice to have a system funded and
20 backed up with some actual testing. And then some
21 very aggressive enforcement and penalties. Thank
22 you.

23 MODERATOR CHRISTOPHER ROGERS: Okay.

24 Bob McAuliffe, Eugenio, and then we'll take our

1 break. I see the coffee's ready.

2 ROBERT MCAULIFFE: Yeah, it
3 definitely needs to be continued and strengthened,
4 to the point that I would suggest something along
5 the lines of spot checking at various levels a
6 dealer or a merchant that doesn't have the paperwork
7 in an official form.

8 I don't think they should be able to
9 make their own, but a form that you can tell has
10 followed that fish, that that person be burdened
11 with the finances of back-checking it. If it caused
12 -- if you need DNA or any other checks to put in
13 there, the fact that they don't have the paperwork
14 on hand at the time of inspection, they should be
15 burdened with all the finances involved to help pay
16 for all this.

17 EUGENIO PINEIRO: I agree with what
18 Russ said and Ellen and of course Glenn Delaney and
19 Bob. And the dealer is making the profit. He
20 should have the burden of keeping his paperwork as
21 it should be. And the DNA -- the DNA alternative,
22 it's going to know that we have that science at
23 reach -- within our reach. And I would hope to
24 strengthen the program, at least keep it, because --

1 and have a task force, whenever there's a hot spot
2 that you know that there's some -- that we should
3 have an enforcement unit that should go there and --
4 I'm referring especially to Puerto Rico and the
5 Caribbean. Whenever you have a doubt, send the task
6 force in there and -- surprises.

7 MODERATOR CHRISTOPHER ROGERS: Okay.

8 I'll volunteer to join that task force,
9 particularly in the winter months. Rick Weber and
10 then we'll take our coffee break.

11 RICK WEBER: Really quick.

12 Procedurally it would seem easier to let the COE
13 stop at the dealer if the restaurant can provide an
14 invoice to a dealer. The dealers are used to
15 keeping track of this paperwork and they're easier
16 to educate and keep informed with -- you know, the
17 smaller the population you're trying to keep
18 informed, that sounds easier.

19 Can this be expanded, by the way? We
20 all agreed yesterday that in Florida we have a
21 problem with swordfish being sold by commercial
22 people who are under the guise of recreational. Can
23 COE be done so that Nelson's folks can walk into a
24 restaurant in Florida and say where did this

1 swordfish come from? You know? Can they point back
2 to a dealer? Or if that restaurant is the original
3 point of insertion into the food chain, then the
4 restaurant has to hold the original COE. But either
5 an invoice that points to a dealer or an original
6 COE is what ought to be on hand in a restaurant so
7 that we know where the food that's entering the food
8 chain is coming from. It seems like a fair request.

9 MODERATOR CHRISTOPHER ROGERS: Just a
10 point of clarification. I thought I heard you say
11 that we would not -- we should not seek to require
12 the billfish COE at the level of the restaurateur --
13 restaurant establishment, but allow that to be
14 traced back to the dealer that sold it to the
15 restaurant. But you would want something to be at
16 the restaurant for swordfish, for example?

17 RICK WEBER: What I was saying was if
18 the restaurant couldn't -- if the restaurant was the
19 original point of insertion, in other words, if
20 they're buying the fish direct, then they would need
21 the COE. Otherwise they would need an invoice that
22 pointed back to a dealer that could steer you in the
23 direction of a COE.

24 It puts a little bit more of a burden

1 on a restaurant that chooses to not deal with a
2 dealer. If a restaurant wants to be the -- what I
3 call the original point of insertion into the food
4 chain, you know, I mean then they would take on the
5 COE responsibility. But if they're dealing with a
6 registered dealer, all they need to do is point back
7 to the dealer and say the dealer has the COE. I
8 don't know. Just an idea to throw out.

9 MODERATOR CHRISTOPHER ROGERS: Just a
10 point of clarification. In the event that the
11 restaurant is the first receiver, as we call it
12 under our regulations, they would have to have the
13 dealer permit and do all the recordkeeping that a
14 dealer would be required to do. Last word, Russ
15 Nelson, and then coffee break.

16 RUSSELL NELSON: I disagree with
17 Rick. I think it's important that the restaurant or
18 the supermarket, that the final point of delivery
19 have a copy of the COE. And in many cases, I think
20 those restaurateurs or market owners will be happy
21 to have that, because when they have people coming
22 in and questioning the fact that they have marlin on
23 their food -- seafood market or on their menu, if
24 they have that certificate, they can go to the

1 customer and show them everything's copacetic.
2 Without it, I mean you're going to have -- you're
3 always going to have fights and disputes and
4 misunderstandings.

5 You know, maybe the enforcement
6 people could go back up the line, but it will be a
7 whole lot easier dealing with the general public who
8 question whether this product is credible to have
9 that right there. And I think all in all it's
10 better for the whole system, to make sure that at
11 the final point of delivery to the public that
12 record's available.

13 MODERATOR CHRISTOPHER ROGERS: Okay.

14 Let's take a coffee break. While you're getting up
15 for coffee, we can listen to Nelson.

16 NELSON BEIDEMAN: I just wanted you
17 to document, plus there's also a country of origin
18 labeling that's just come through Congress. So, a
19 lot of these things are already either taken care of
20 or in the process of.

21 MODERATOR CHRISTOPHER ROGERS: Right.

22 We will be getting into that in our Recordkeeping
23 and Reporting discussion later.

24 (BREAK)

1
2 MODERATOR CHRISTOPHER ROGERS: All
3 right. We need to get started. It's coming up on
4 11 o'clock. Unfortunately, we're well behind on the
5 agenda, so I've taken the liberty to extend your
6 hotel stays. I've talked to the front desk and
7 they're going to give you all another free night at
8 the hotel and a free breakfast, just recognizing
9 that you're suffering through this.

10 No, we'll obviously try to conclude
11 our business by 5:00 p.m. this evening. So, we need
12 to prioritize our remaining agenda to make sure we
13 can cover the most important aspects.

14 As we intended to pick up this
15 morning, we wanted to talk a little bit about
16 bycatch reduction, including the sea turtle bycatch
17 mitigation efforts underway, a brief analysis of our
18 time/area closures implemented to date, and then in
19 a longer term sense implementing our Bycatch
20 Reduction Plan.

21 We had planned a discussion on
22 Recordkeeping and Reporting. To some extent we've
23 discussed at length recreational data collection.
24 So, I'm not sure we need to revisit that. We did

1 discuss logbooks for fishermen and dealers. I just
2 wanted to give folks an update on some of the
3 efforts in the Northeast Region for electronic
4 dealer reporting.

5 But we do feel we need to have a
6 discussion on observer coverage, particularly given
7 the increasing need for observer coverage and
8 resources not commensurate with the needs, and how
9 we can come up with some innovative ways of
10 structuring the budgets for observer coverage.

11 We did want to have after lunch a
12 discussion on workshops, which are becoming an
13 increasingly important feature of communication and
14 outreach. And then a discussion on exempted fishing
15 permits.

16 So, we hope that you can all stay
17 with us through the 5 o'clock hour, and we'll get
18 into bycatch reduction discussion and hopefully can
19 conclude that before lunch. So, that would give us
20 an hour or so.

21
22 BYCATCH REDUCTION

23 MODERATOR CHRISTOPHER ROGERS: Russ
24 was extremely onerous in being a taskmaster for his

1 team down in St. Petersburg to get a Draft
2 Environmental -- or Draft Supplemental Environmental
3 Impact Statement and a Proposed Rule out on the sea
4 turtle situation.

5 The NEPA document was filed with the
6 EPA last Friday. The Proposed Rule was filed at the
7 Federal Register yesterday. And my understanding is
8 it published this morning, if anybody has access to
9 the internet and can pick that up off the Federal
10 Register website that would have been available at
11 6:00 a.m. this morning.

12 So, Russ, if you want to go through
13 that rulemaking effort and then we'll have a little
14 bit of discussion of our overall Bycatch Reduction
15 Implementation Plan.

16 RUSSELL DUNN: All right. I know
17 this is a pretty critical issue to a number of
18 people here. So, I want to go over this issue. I
19 don't -- I want to try and avoid having an impromptu
20 public hearing, because we are going to have a full
21 set of hearings. We've got the comment period is
22 open through March 15th. But I do want to go over
23 the rule.

24 Now, we weren't sure exactly where we

1 were going to be in the process here as we got here.

2 We weren't sure if it was going to publish or not.

3 So, it is -- it's an abbreviated presentation. And
4 the intent again is to provide a quick overview to
5 bring you up to speed. The rule is out. The Draft
6 SEIS is now available at EPA.

7 We were hoping that copies would be
8 available here today. It's such a large document
9 that it's -- the print shop simply hasn't been able
10 to manufacture them or print them yet. They may
11 arrive before the end of the day. If they don't,
12 everyone here will receive one in the mail. And if
13 you need additional copies, you can contact me or
14 Chris or anyone at HMS.

15 So, the first thing I need to say is
16 the numbers here -- the years here are incorrect.
17 The 2002 should say 2001, and 2003 should say 2002.

18 Now, with that being said, as many people here know
19 -- or everyone knows -- that the pelagic longline
20 fleet is currently struggling with the issue of
21 interactions with sea turtles that are listed as
22 threatened or endangered under the ESA.

23 And as Ron Rinaldo explained the
24 other day, that there was a June 2001 Biological

1 Opinion that was a jeopardy opinion. It included an
2 RPA to address the issue of sea turtle interactions,
3 which was to close the NED. It had other terms and
4 conditions involved.

5 Part of that was a research program
6 which Nelson and others here participated in, that
7 had really dramatic positive results. And part of
8 that biological opinion was also the establishment
9 of an Incidental Take Statement. What we discovered
10 is that over the last two years the ITS has been
11 substantially exceeded. The ITS established under
12 the June 14th, 2001 BiOp was 438 leatherbacks and
13 402 loggerheads.

14 In early November, the agency became
15 aware -- we received this data and became aware that
16 the ITS may have been exceeded. At that point we
17 started or we published Notice of Intent to go
18 forward with development of a Draft SEIS.

19 In late December, the agency
20 finalized the data and confirmed that yes, in fact,
21 we had exceeded the ITS, and those are the numbers
22 that you see behind me. So, for 2002, the most
23 recent year, we had 962 leatherback interactions and
24 575 loggerhead interactions. Those are exclusive of

1 any interactions that occurred during the
2 experiment. So, that is outside -- that's the
3 fishery outside of the NED.

4 As soon as we received the
5 preliminary numbers, we had a feeling that even
6 before they were finalized we may still be in a
7 position where the ITS had been exceeded, so we
8 began an informal consultation between Office of
9 Sustainable Fisheries, in which HMS is located
10 within the that office, and the Office of Protected
11 Resources. That began in early November. And then
12 we formally reinitiated consultation I think the
13 last couple of days of January.

14 The agency immediately began a
15 rulemaking to reduce sea turtle interactions to
16 levels that would allow compliance with the ESA, to
17 avoid greater problems for the fleet, including
18 potentially a complete shutdown of the fishery. And
19 in developing the rule, we developed 16 altern -- or
20 we looked at 16 alternatives and in general we
21 looked at hook and bait possession and use
22 restrictions, both treatments that were tested
23 within the NED, and in one case a treatment that was
24 not, or a hook restriction that was not tested

1 within the NED.

2 We looked at area closures, both
3 reopening areas such as the NED and closing
4 additional areas. And we looked at requiring
5 released gear and handling protocols as they were
6 used and developed during the NED experiment.

7 So, the preferred alternatives at
8 this point in the Proposed Rule -- and let me
9 emphasize it is a Proposed Rule, we have -- we are
10 awaiting public comment so we can finalize the rule.

11 And obviously we will take into account the public
12 comment we receive in finalizing the rule.

13 UNIDENTIFIED (No microphone): How
14 long is the comment period (inaudible).

15 RUSSELL DUNN: It's open through
16 March 15th. And I guess I should also note that to
17 more rapidly implement these measures, we -- the
18 agency went to CEQ, the Council on Environmental
19 Quality, and received relief on the standard NEPA
20 time frame. We were able to shave 14 days off a
21 standard 45-day comment period up front, and then we
22 were able to shorten what's called the cooling-off
23 period under NEPA before we can make a final record
24 of decision by a handful of days, four days I

1 believe. And that was done with the intent of
2 trying to get the sea turtle mitigation measures in
3 place as rapidly as possible.

4 So, the preferred alternatives -- we
5 have three preferred alternatives at this point. A3
6 limits vessels with pelagic longline gear on board
7 at all times in all areas open to the -- to pelagic
8 longline fishing, excluding the NED, to possessing
9 on board and/or using only one of the following
10 combinations: They can possess either the 18 aught
11 or larger circle hook with an offset not to exceed
12 10 degrees and mackerel bait, or an 18 aught non-
13 offset or flat circle hook with squid bait. So,
14 essentially they have to make the decision prior to
15 leaving the dock which of those treatments they're
16 going to have on board.

17 Alternative 10 is the exact same
18 thing, but is applied to the NED itself. So, when
19 you combine the two, it goes fishery-wide -- or is
20 applied fishery-wide.

21 And Alternative 16 deals with
22 possession and use of mitigation requirements,
23 dehookers and other equipment to handle the turtles
24 and help dehook the turtles. And there's a pretty

1 lengthy list, so I didn't include it in the
2 presentation, but it's obviously included in the
3 Proposed Rule as well as listed in the DSEIS. And
4 there are two extensive appendices that were
5 prepared by the Science Center that are attached as
6 part of the DSEIS, which goes through the mitigation
7 gear.

8 In addition, in the rule -- in the
9 rule in addition to requesting comment on the
10 alternatives themselves, there were a number of
11 questions which we felt it would be beneficial to
12 gain comment from the constituencies on, and that is
13 the availability of 18 aught offset and non-offset
14 hooks. This is a larger hook than is generally used
15 in the fishery. Some concern was expressed that
16 there may not be hooks available immediately for
17 purchase.

18 This is also something that is being
19 proposed out in the Hawaii fishery, so that fishery
20 -- the swordfish -- Hawaii swordfish fishery is
21 going to be potentially on the hunt for 18 aught
22 circle hooks. So, there is at this point with the
23 Proposed Rules, there is going to be a rather large
24 surge in demand for 18 aught circle hooks.

1 Definition of a circle hook. Sounds
2 like a pretty basic thing. It is a pretty basic
3 thing. But again it's one of those common sense
4 things that we see so frequently in this fishery
5 where you know when you see it, but when you try to
6 define it, it's not so easy.

7 There's a lay definition with the
8 barb of the hook -- the point of the hook being
9 turned back perpendicular to the shank of the hook.

10 There are a lot of ways to do that, and depending
11 on how J-shaped or circular the hook is, you can
12 really influence the benefit of the circle hook in
13 terms of reducing turtle interactions and injuries.

14
15 How best to define the size of the
16 circle hook. That again sounds like a relatively
17 simple one, but when you look at the different
18 shapes of circle hooks, it's not quite as easy as
19 saying oh, it's two and an eighth inches across.
20 Well, where do you measure that, how do you measure
21 that? So, we're asking for technical input on that.

22 We have definitions included in the rule, and we
23 would like your input on that.

24 Use of mackerel bait. That's another

1 one we're asking for input on. Impacts of this
2 larger circle hook on tuna catches. And additional
3 input on proposed possession and use requirements
4 for the release gear and handling protocols.

5 As I said, there are -- there is a
6 lot of gear which is required under this, and there
7 are a lot of specifications which we were asked to
8 put into the rule, and we want your feedback on if
9 we had done this appropriately or not.

10 Now, this is -- this table shows the
11 anticipated turtle interactions under the proposed
12 rules, and you can see what we would expect was that
13 because under the Proposed Rule you have the choice
14 of one or the other, if one or the other were
15 applied full year by the fleet, we would expect the
16 range --

17 (GAP IN RECORDING)

18 RUSSELL DUNN: So, you can see that
19 those levels allow us to comply with the ESA, even
20 with reopening the NED. And that's it. Comments?

21 MODERATOR CHRISTOPHER ROGERS: Again,
22 it wasn't intended to be a formal public hearing, as
23 Russ indicated. It is fresh off the press, so to
24 speak, and we know that you haven't had a chance

1 probably to see some of the documents, much less
2 read them and digest them. But certainly any
3 initial reactions and concerns we could entertain a
4 discussion for 15, 20 minutes or so.

5 RUSSELL DUNN: If I can make just one
6 more point. One thing that is different with this
7 comment period is the fact -- this is the very
8 bottom line -- we now are accepting comments via e-
9 mail. I think this may actually be the first rule
10 in the agency that will do this, outside of a pilot
11 program that was tried.

12 So, my understanding is from now on,
13 all the Proposed Rules that will go out will accept
14 e-mail comments, and I think this is actually the
15 very first one.

16 MODERATOR CHRISTOPHER ROGERS: Okay.
17 We'd expect a lot of comments, so let's go around
18 the table here. You want to go the other way since
19 we went that way before? Okay. We'll go this way.

20 Ken Hinman -- or Don Nehls, did you have your hand
21 up or not?

22 DON NEHLS (No microphone):
23 (Inaudible.)

24 MODERATOR CHRISTOPHER ROGERS: Okay.

1 Ken Hinman.

2 KEN HINMAN: Thank you, Russ.

3 Question: I noticed you were asking for comments on
4 the impact of the use of I guess both circle hooks
5 and the size and the bait, I guess, on tuna catches.

6 And I remember from Monday's brief discussion of
7 this issue there were a couple of questions around
8 the table about any information on the impact of
9 these turtle bycatch reduction measures on other
10 species, both -- and I know the answer was that
11 finfish bycatch was very minimal up in the NED, but
12 that you had not -- did not have information on the
13 impact on the shark bycatches, which are quite
14 significant up there.

15 So, I'm wondering are you pursuing
16 further analyses of -- since this is a fishery-wide
17 rule of a longline fleet of your own data on impacts
18 on other bycatch species besides turtles, positive
19 and negative; and whether you're also seeking
20 comment from the public on that. Because it seems
21 to me that since this was geared towards reducing a
22 particular bycatch, we do want to make sure that if
23 there are other benefits to other bycatch species,
24 we are aware of those and certainly if it might

1 increase bycatch in some regions of other species,
2 we want to be aware of that.

3 RUSSELL DUNN: Certainly we expect
4 simply the use of circle hooks to help with the
5 bycatch mortality issue with most if not all
6 species. And Nelson may be able to speak to this
7 better than me. I mean, the study was not designed
8 to look at impacts on sharks and other species.

9 They did look specifically at impacts
10 on swordfish and bigeye tuna during the experiment.

11 There were some tests in the third year to look at
12 impacts on yellowfin tuna testing different hook
13 configurations or treatments.

14 At this point I don't -- simply don't
15 know if we are looking at additional bycatch
16 benefits for other species. I know the scientists
17 are discussing additional experiments right now, but
18 I don't know exactly what those tests are going to
19 focus on.

20 KEN HINMAN: Yeah, I'm thinking more
21 of the -- I expect that the circle hook requirement
22 intuitively would have survival benefits for a lot
23 of species. I'm thinking more of the bait actually,
24 because I think you did in this study find that

1 there were some baits that swordfish liked and tunas
2 didn't. And I'm sure you could find some other
3 species as you get down farther south where there
4 are much more mixed species of tunas and other
5 things, that you might find that you get some
6 different reactions from the bait requirements. I'm
7 not thinking of the circle hooks.

8 RUSSELL DUNN: Yeah, certainly there
9 were certain impacts associated with the
10 combinations of hooks and baits. There were with
11 the squid and the -- you tended to see a decrease in
12 swordfish -- or when you had the squid with the flat
13 circle hook you had a decrease in swordfish. When
14 you had the mackerel with the offset circle hook,
15 you had an increase in swordfish. And so there were
16 definitely impacts, but I don't know at this point -

17 UNIDENTIFIED (No microphone):

18 (Inaudible.)

19 RUSSELL DUNN: Yeah. That's right.

20 UNIDENTIFIED: A lot of that was all
21 dependent on temperature. This whole thing on the
22 Grand Banks there, we had X number of turtles that
23 we could take. And the whole thing was to get away
24 from the turtles and shift into the cooler water.

1 Nobody has looked at this stuff in
2 the mid latitudes and -- you know, say from 72, 73
3 to 85 degree water, which is where the boats are at
4 the rest of the year. So, that still has to be
5 analyzed. You can't just say okay, we're going to
6 use mackerel bait in the Mid-Atlantic or on the Mid-
7 Atlantic Ridge or something like that, east of
8 Puerto Rico. Because there isn't any mackerel bait
9 there, so it isn't a natural feed for those things.

10 MODERATOR CHRISTOPHER ROGERS: Okay.
11 Next. Glenn, Nelson.

12 NELSON BEIDEMAN: I've had to cut
13 way, way back here, because I know we don't have
14 much time. First off, on the estimated numbers, we
15 would like to say -- and it's a little different
16 than what you've heard over the last couple of days
17 -- we would like to say that the method that you've
18 used we feel is much improved. Of course --

19 RUSSELL DUNN: These numbers?

20 NELSON BEIDEMAN: Yeah, those
21 numbers. You have a mistake the 2001, 2002, but
22 it's much improved from the previous raising and
23 pooling methods. I could get into details of that,
24 but we don't have time. Extrapolations, of course,

1 are still not reality. You know, it's still not
2 fair to have to have the extrapolations, but we have
3 to have the best available science, and it's a big
4 improvement.

5 Then when it comes to the results I'm
6 told were posted last night on the NED sea turtle
7 website, which you can get to from the NMFS HMS web
8 page about the middle of the home page through some
9 media link, you go to that media link you can get to
10 the sea turtle web page and -- you know, it even now
11 has the 2003.

12 Now that we have these really
13 tremendous results from this program concerning
14 turtles, such things as the bycatch of other species
15 will be being looked at because every single fish
16 was recorded. There wasn't anything that was not.
17 This was a totally restrictive everything that was
18 used went in the water in any way, shape or form is
19 in the data.

20 The next step now from our
21 perspective is to reopen the NED, get this fishery
22 back to fishing, and even more so to do it in a
23 practical, reasonable manner that brings as many of
24 the pelagic longline fleets into using circle hooks

1 as humanly possible, because that's what's going to
2 help sea turtles and that's what's going to help
3 bycatch across the board, including marlin.

4 The DSEIS has some problems. The way
5 -- you know, the preferred alternatives are at
6 present, it's unworkable to the domestic fleet.
7 Basically it has hook and bait combinations that you
8 can only have one on board. So, if you're out there
9 fishing, swordfish fishing, and you had a sign of
10 tunas, you would have to go back to the dock, unload
11 your swordfish gear, unload your bait, reload your
12 tuna gear, reload bait, and go back out and hope
13 that they're still available. That type of
14 impracticality is not exportable and not necessary.

15 What Blue Water has been recommending
16 is an 18/0 or greater slightly offset for the NED,
17 16/0 or greater slightly offset for the coastal, at
18 least until we have the research that shows an
19 impact -- you know, what the impacts are between the
20 16 and 18/0 in the tuna fish directed fisheries.

21 That research is starting to get
22 underway. We've got a boat in the Gulf that will be
23 taking an observer doing 16-18 comparisons. I think
24 they're leaving today. And there's -- you know, the

1 same type of research -- preliminary type research
2 in Ecuador next week, I believe. March 1st? Okay.

3 Also the -- our NED team that, you
4 know, worked with us on this program for three
5 years, disagrees with these preferred alternatives.

6 We need to be practical and reasonable to get
7 everybody on board.

8 As far as the bait, we do not feel
9 that any mandatory bait is necessary here. Also,
10 you know --

11 UNIDENTIFIED (No microphone):

12 (Inaudible.)

13 NELSON BEIDEMAN: Right. Well, the
14 2003 results show that there is no difference
15 between using mackerel, mackerel was up to 90
16 percent reduction, squid was 85. So, there's no big
17 difference there as far as the use of the bait. And
18 it is true that mackerel increased the swordfish
19 catch in colder water, but decreased the swordfish
20 catch in warmer water.

21 And basically what we think we need
22 for this step is to have at least greater than or
23 equal to a 16/0 for the entire fishery. And we
24 think that that will get you the results that you

1 want, because if you go swordfish fishing, you're
2 going to want to use an 18 or even 20/0 because you
3 get a better bite on the -- you know, hook, more
4 retention of the target catch.

5 If you go swordfish fishing in cold
6 water, you're going to want to use mackerel because
7 it increases both catch and size of target catch.
8 If you go swordfish fishing in warmer water, you're
9 going to want to use and need the flexibility to use
10 squid because squid is necessary to retain -- you
11 know, the numbers of the target catch in the warmer
12 water. So, we think that some of this stuff is
13 going to work itself out.

14 Also in the Gulf of Mexico they use
15 different bait. They use sardines. And throughout
16 the world they use different kinds of finfish, et
17 cetera, not -- you know, necessarily just mackerel.

18 And again, the key is to get everybody on board as
19 quickly as possible to benefit all bycatch species,
20 then ultimately to look at all HMS hook and line
21 fisheries and -- you know, those fisheries need to
22 consider circle hooks. And I doubt that it would be
23 an 18/0.

24 As far as observers, you know, we've

1 said that -- you know, we would recommend a hundred
2 percent observer coverage for a year or two to
3 monitor the implementation of these new
4 technologies. As far as mitigating harm, you know,
5 the one thing is avoidance, and that's kind of
6 tricky because -- you know, it involves both size,
7 shape of hooks, at the NED, because of the size of
8 turtles were interacted with. But then they're
9 different size turtles when you come back to the
10 coastal fisheries. So, that stuff doesn't make
11 quite sense when you come back here. We need that
12 research.

13 But the tools that we developed up
14 there for the careful handling and release, that's
15 going to also have major additional benefits for
16 turtles and all bycatch species. And the key will
17 be in the training, in the workshops. If we can get
18 all of our fishermen the way the NED fishermen --
19 you know, have already shown can be done, taking all
20 the line off, removing hooks from -- in a careful,
21 safe, quick, efficient manner, then we're going to
22 help all bycatch species an awful lot.

23 Also you know, just so you know, I'm
24 not talking about live bait at all, just talking

1 about -- you know, dead bait types. But if we step
2 back and you know, look at -- you know, helping --
3 doing a bigger thing than just the regulating of the
4 domestic fishery, if we step back and look at trying
5 to get all the pelagic longline fisheries going, the
6 first major step will be that move from the J-hook
7 or the Japanese tuna hook to a circle hook, and
8 that's a huge, huge move.

9 MODERATOR CHRISTOPHER ROGERS: Okay.

10 Thank you, Nelson. Gail.

11 GAIL JOHNSON: Thanks. I'm not going
12 to be quite as detailed as Nelson, but it's true.
13 National Marine Fisheries Service has literally
14 voluminous data on all the NED catches, every single
15 thing. Those observers were like molasses all over
16 the boat.

17 And you guys will be working with
18 these data, I presume anyway, for probably years.
19 But brush it up a little bit, because the data on
20 all of these different species will most likely be
21 very usable for the foreign fisheries that fish in
22 the type of area that the NED area is.

23 And of course we know that our own
24 fleet and the foreign fleet are active in areas

1 besides the area of the NED, and the area that it is
2 with those special qualities. And I'm going to put
3 a plug in that we -- the circle hook is a huge step
4 in identifying baits and how they interact with the
5 hooks and how they interact with the temperature.
6 All of this stuff is really complicated. That is
7 going to -- that is a huge first step.

8 But to get at the problems, the
9 issues of fleets that work in the warmer areas
10 around the Caribbean, we could really use some more
11 information on how these kinds of things will
12 interact in the warmer waters. There's a lot left
13 to do. We've got a huge first step. Let's keep
14 going.

15 MODERATOR CHRISTOPHER ROGERS: Thank
16 you, Gail. Others? Charlotte. Welcome, Charlotte.

17 I guess I failed to introduce you this morning.
18 Charlotte's joining us. She's actually a designee
19 for Shana Miller.

20 CHARLOTTE: Thank you very much. I
21 just wanted to express the fact that I am very
22 encouraged by the results of the NED experiment, but
23 on the other hand I do remain deeply concerned at
24 the haste and the way that the Fisheries Service,

1 including the top of the Fisheries Service, has
2 moved forward with the implementation of some of
3 these results, especially because, as Nelson
4 mentioned, there are some problems with the SEIS
5 from what I understand that -- and talking to John
6 Watson and others who work with the data, that we
7 haven't -- although we do have some numbers, the
8 data hasn't been -- for 2003 -- analyzed and
9 included in some of these documents, including
10 combining 2002 and 2003 data in order to get better
11 statistical estimates. I find that deeply
12 concerning, especially moving forward.

13 The other part of that is we are
14 moving -- we do have a Proposed rule out and not a
15 Biological Opinion accompanying it. I'm wondering
16 if the agency has an estimated time frame for when
17 that Biological Opinion will be completed. Will
18 that be before the comment period is closed? And if
19 so, I am also deeply concerned about that fact.

20 Nelson mentioned that the results of
21 the NED experiment are on the web, which I did
22 briefly -- let me reiterate briefly -- look at last
23 night. And I'd just like to reiterate one more time
24 that I'm sure we've all looked through hundreds and

1 hundreds of technical papers and are fairly familiar
2 with what a NMFS report should look like. And the
3 results of the NED experiment right now are
4 presented in a Power Point format, which again I
5 find concerning because you're looking through a
6 123-page document that is just a bunch of Power
7 Point slides with illustrations or explanations of
8 what is in the slide below. And I don't truly
9 consider that an analysis of all of the information
10 that everybody has worked so hard to collect,
11 frankly.

12 I would urge the agency to go back
13 and look at how to properly analyze and present that
14 information, not necessarily in a Power Point
15 format, as the technical white paper that the
16 agency's produced.

17 Lastly, I echo Nelson, oddly, in his
18 concern over observer coverage. I am not as
19 convinced that opening the NED is our next step,
20 especially just learning that the numbers outside
21 the NED experiment exceeded the ITS. I thought
22 those numbers included the NED experiment. Learning
23 that those numbers of turtles were taken outside the
24 experiment is deeply concerning. That's a lot of

1 turtles if you put the NED turtles in with those
2 turtles.

3 So, I think observer coverage -- a
4 hundred percent observer coverage, no matter what
5 alternatives we move forward, is absolutely
6 necessary to document what we are and aren't
7 learning about using circle hooks.

8 I do support using large 18 aught
9 circle hooks. I think no matter whether they
10 actually reduce interactions I think we still need
11 to look at, but they definitely reduce where the
12 turtle is hooked, and that is a dramatic first step.

13 We do not want turtles swallowing J-hooks. That
14 obviously increases damage to the turtle.

15 So, moving forward with circle hooks
16 is absolutely a good step in the right direction.
17 However, I am not convinced that reopening the NED
18 and/or moving forward with solving the turtle
19 problem as we've presented so many times in press --
20 as the agency has presented in press conferences and
21 everywhere else that we've actually solved that
22 problem yet. So, I'd warn the -- you know, ask the
23 agency to continue to look at some of the issues
24 we're facing.

1 RUSSELL DUNN: Just to answer the one
2 question that I heard and one clarification. Yeah,
3 the -- my understanding from the Office of Protected
4 Resources is that they anticipate having the
5 Biological Opinion finalized April 1st, which is
6 obviously after March 15th when the comment period
7 closes.

8 With regard to use of the most recent
9 data, the DSEIS and rule do incorporate the combined
10 2002/2003 data. We got that last -- at the
11 workshop, which was January 13th, and incorporated
12 it throughout the document. So, the data that's in
13 there has the best confidence intervals that are
14 available, and it's the best data that we have.

15 Bearing that in mind, the data is
16 preliminary, as everyone has said. There is a
17 tremendous amount of data that the scientists are
18 working through, and providing to us as they get it
19 in usable format. And so a lot of this data is
20 subject to change.

21 MODERATOR CHRISTOPHER ROGERS: All
22 right. Just on that note about the Biological
23 Opinion, that would be -- we expect it to be issued
24 by April 1st. It certainly will be incorporated

1 into the Final Supplemental Environmental Impact
2 Statement, and under NEPA regulations there is a
3 cooling-off period, so that both the final document
4 and the Biological Opinion will be publicly
5 available for some number of days. Normally it's 30
6 days. We did get some relief, so it's shortened to
7 28 or 27 days? So, there will be a time period of
8 which both the Final Environmental Impact Statement
9 and the Biological Opinion are publicly available
10 prior to the agency making the final decision.
11 Point of clarification, Glenn? Nelson.

12 NELSON BEIDEMAN: You mentioned that
13 the 2003 data is included in the package, but what
14 I've been told, okay, from the Southeast Fisheries
15 Science Center, is that in the writing of the DSEIS,
16 the 2003 nor the 2002/2003 combined data, was
17 available for consideration in --

18 RUSSELL DUNN: That's why you should
19 check with the guy who wrote the rule, because it
20 is. I have -- I took the data that was given to us
21 at the workshop, the 2002/2003 combined, the Arvins
22 data, remember he gave that one presentation that
23 was all data? And this -- Arvins data is the data
24 that was incorporated throughout the entire

1 document.

2 NELSON BEIDEMAN: Well, you know, I'm
3 sorry to hear that. That's a -- you know, a
4 different perspective on why the preferred
5 alternatives are completely unacceptable, because
6 they're non-workable.

7 MODERATOR CHRISTOPHER ROGERS: All
8 right. Ellen Peel.

9 ELLEN PEEL: It sounds like there are
10 all sorts of questions as to what's included, what's
11 not included. If the Biological Opinion is going to
12 be out after the public comment period does seem
13 strange, even though there's a time at which they
14 would have access to it. It does raise some
15 questions of concern.

16 My biggest concern is I'm glad to
17 hear that all the data on all the other species
18 caught has been kept. Certainly you did note that
19 the warm water -- there hasn't been a lot of work
20 done yet in warm water. Our concern is what is the
21 impact on marlin with the different baits in the
22 different water temperatures?

23 Is this something that if the rule is
24 implemented and that you continue to look at, once

1 you assess this, if you see there is an impact, then
2 you can amend the rule to make modifications, or is
3 this something that should be included in the Draft
4 Supplemental Environmental Impact Statement, an
5 analysis of the impact on these species for which
6 you've kept data?

7 NELSON BEIDEMAN: At the NED the
8 interactions with marlin are so few that you
9 wouldn't have anything statistically valid. We're
10 talking about less than handfuls of -- you know, the
11 interaction with marlin at the NED. But as you
12 know, you know, the United States needs to get on
13 with white marlin bycatch reduction research.

14 UNIDENTIFIED: Ellen, with that stuff
15 there, the other boats that are already fishing
16 outside the NED are using those squid bait types and
17 things like that. So, with this, the only thing
18 that's going to happen really different is it would
19 be forced to go from a J-hook to a circle hook. The
20 bait type is going to stay the same.

21 MODERATOR CHRISTOPHER ROGERS: Other
22 comments? Mike Leech and then Irby Basco.

23 MICHAEL LEECH: There is numerous
24 different hook manufacturers, and when you say an

1 18/0, it can vary substantially between a Mustad
2 18/0 and a Diotchy 18/0. So, if you're going to --
3 if you want to specify a specific size, you can't
4 just say 18/0, because it could be a big 18/0 or a
5 little 18/0. If you say Mustad 18/0 or at least
6 that big, or something. Maybe you've already
7 addressed that.

8 RUSSELL DUNN: That's exactly what we
9 were getting at where we say how best to define size
10 of circle hook. We did take a shot at doing --
11 defining that gauge, I guess is one way to put it.
12 And we are asking for input from people with
13 technical expertise on how best to do that so we can
14 come up with a consistent hook size.

15 UNIDENTIFIED: Mike, with that stuff
16 there, what they did is they came up with a
17 dimension as far as the overall length of the hook,
18 overall width of it, and the point to shank. I
19 think the only thing that isn't clarified, but we
20 made the hooks for the NED stuff, is the angle that
21 the point comes back to the shank. But we can just
22 take that off the drawings, and that was the
23 standard used for that.

24 MODERATOR CHRISTOPHER ROGERS: Okay.

1 Irby Basco.

2 IRBY BASCO: Okay. Thank you, Chris
3 and Russ. Everything's been answers but one
4 question. Interaction, is -- how does that equate
5 to mortality?

6 RUSSELL DUNN: It's different. The
7 current Biological Opinion which the pelagic
8 longline fishery is operating under deals with
9 interactions. And that is a separate issue then
10 from mortality. There is a white paper, I guess --
11 I'm not sure exactly what the agency calls it
12 internally, which gives us guidance on mortality
13 estimates to apply to interactions. However, the
14 agency has recently held a workshop to revise the
15 current guidelines -- mortality estimate guidelines.

16 The results of those, as far as I'm
17 aware at this point, are not quite available. So,
18 we have not been able to apply those anticipated
19 benefits in this rulemaking because we don't have
20 the guidance yet. But interactions and mortality
21 are separate.

22 MODERATOR CHRISTOPHER ROGERS: Just a
23 further point of clarification. What Russ was
24 referring to, there was a workshop here in Bethesda

1 earlier in February -- or I guess it was actually
2 January, and the report hopefully will be out
3 shortly, trying to characterize the difference
4 between interactions first and foremost. Is it an
5 entanglement? Is it a hooking? Is it externally
6 hooked? Is it a swallowed hook? And then the
7 mitigation measures undertaken. Was the gear
8 disentangled? Was the hook removed externally? Was
9 the hook removed internally? Was the animal
10 released with the hook in it?

11 So, you need to characterize first
12 the interaction, then the mitigation measures
13 undertaken, and then associate an anticipated
14 mortality for each class, so to speak. Randy
15 Blankenship.

16 RANDY BLANKENSHIP: Regarding your
17 definition of hook, we had a similar issue in the
18 crab trap fishery for blue crabs in Texas, where we
19 were trying to implement a biodegradable panel in
20 the trap that was laced in with a degrading
21 material, which included jute wine or sisal twine.
22 But the diamond was hard to specify, all that.

23 And the way that we did that was by
24 specifying some very rough dimensions to it, what

1 the material was made of, and then the words
2 equivalent to Lehigh Brand Number blah blah blah, so
3 you could do something like that, rough dimensions
4 equivalent to Mustad Number such and such.

5 MODERATOR CHRISTOPHER ROGERS: Thank
6 you. Any other comments? Glen Hopkins.

7 GLEN HOPKINS: Yes, I just want to
8 make one general comment or observation. This whole
9 meeting we've been -- anytime it's mentioned about
10 any kind of recreational catch or -- we can't have
11 those numbers, we can't have those numbers. Here
12 we've got a study that's got thousands of
13 observations and everything is documented. I mean,
14 there's a wealth of information there. And we're
15 being held to that kind of accountability. And we
16 mentioned -- you know, we can't find any release
17 mortality on marlins, we can't even count 110 fish
18 aggregately in the country. And to say that this --
19 you know, has holes in it, I mean it's just -- it's
20 ludicrous.

21 But to the point, I have to agree
22 with the bait configuration. I mean, I think we can
23 all probably agree with the -- you know,
24 implementing some circle hook activity, but to tell

1 a man, you know, that you got to have such and such
2 a bait, I think that's pushing the limit too far. I
3 mean I wouldn't want to tell these guys they can
4 only pull a squid or a mackerel or a mullet or
5 whatever, and -- you know, on one given day. Thank
6 you.

7 MODERATOR CHRISTOPHER ROGERS: Okay.
8 Merry. Merry Camhi.

9 MERRY CAMHI: I think these are very
10 exciting results, and it's really nice to see the
11 cooperation that's gone on between the agency and
12 the industry to really push these things forward. I
13 think it's wonderful.

14 And I'm a little concerned maybe
15 about the prematureness of opening up a whole new
16 area until we've seen all the data and looked at the
17 BiOp and things like that.

18 But one question I do have is how is
19 this information being applied to other areas? My
20 concern is opening up the swordfish fishery in the
21 western Pacific, for example. How are these numbers
22 going to be ground-truthed in those areas? Are they
23 going actually -- going to use these numbers to go
24 and open these areas? Are they doing their own

1 research out there to test -- you know, go through
2 the same rigorous work that we've done here before
3 they're apply them to other regions? And then
4 another question I have is where does ICCAT go with
5 this information?

6 MODERATOR CHRISTOPHER ROGERS: With
7 respect to the Pacific, that's a whole nother
8 region, a whole nother Council, and I understand
9 that they have a lot of materials, a lot of
10 discussion and documents -- two Councils, in fact,
11 the Pacific Council and the Western Pacific Council.

12 And they have undertaken their own efforts. I know
13 that they're similar and they are trying to use the
14 same data that are available, but with necessary
15 modifications to fit those fisheries. So, we're
16 certainly not prepared to discuss the Pacific
17 situation here. And I would invite you to go to the
18 websites where that material is posted and compare
19 and contrast with our efforts here in the Atlantic.

20 With respect to ICCAT, obviously it
21 behooves us to present this information through SCRS
22 and to advance it at the Commission meeting --

23 UNIDENTIFIED (No microphone):

24 (Inaudible.)

1 MODERATOR CHRISTOPHER ROGERS: Yes,
2 and we did have Charlie Bergmann at the Dublin
3 meeting, set up a table, had circle hooks and a lot
4 of the mitigation devices and made it clear that he
5 didn't want to cart all that stuff back home, so he
6 did give out a lot of free samples to a lot of
7 people, and I hope they got through the metal
8 detectors when they left Dublin. Everybody walking
9 around with large circle hooks.

10 But yeah, we will be making the
11 efforts through the scientific committee as well as
12 the Commission proper to advance the use of circle
13 hooks and any other mitigation technologies.

14 UNIDENTIFIED: Just so you know, for
15 people who are interested in what's going on in
16 Hawaii and how they're applying this research, they
17 published their Proposed Rule on January 28th, so
18 you can go to the Federal Register. It's page 4098
19 on January 28th, 2004. You'll find the Hawaii
20 Proposed Rule.

21 MODERATOR CHRISTOPHER ROGERS: Don
22 Nehls, then Glenn and Nelson.

23 DON NEHLS: Just real quick. On the
24 Pacific stuff, it's basically going to be an acid

1 test of what we did in the North Atlantic. The way
2 that the thing is structured, they're going to use
3 the same hooks, the same bait types, and roughly the
4 same latitude where those boats are going to go
5 target to see if that transfers from one ocean to
6 the other.

7 MODERATOR CHRISTOPHER ROGERS: Okay.
8 Glenn Delaney.

9 GLENN DELANEY (No microphone): I'll
10 let Nelson go first (inaudible).

11 MODERATOR CHRISTOPHER ROGERS: I'll
12 consider it.

13 NELSON BEIDEMAN: You know,
14 concerning exporting this stuff, you know, the
15 National Marine Fisheries Service has been working
16 very hard out to a meeting of all the Pacific
17 longline fisheries in Kobe, Japan, and at that
18 meeting Japan even -- you know, tabled a proposal
19 that all shallower than a certain meter, you know,
20 fisheries be required to use the circle hook. It
21 didn't go anywhere. The EU fought it. And they'll
22 have to discuss it at the Commission level. But
23 that was a real good sign.

24 Plus, this week -- you know, John

1 Watson and Charlie Bergmann are in Costa Rica and
2 the week after they're in Ecuador to do some more
3 research. WWF is involved in helping promote in
4 some of these other countries, even to the point of
5 buying hooks and equipment. A real good sign is,
6 you know, we've got Shawn Dick from Aquatic Release
7 Conservation that's -- you know, helped us develop
8 this stuff every step of the way. And you know,
9 he's got fleets around the world that are starting
10 to order this equipment for -- you know, safe,
11 careful handling, and the hooks, et cetera, et
12 cetera.

13 But on the mortality, there was zero
14 dead turtles to the boat. We did -- you know, get
15 started, get initiated with a pilot study for
16 looking at post-release mortality. And you know,
17 real key to all of this is going to be -- you know,
18 getting the fishermen to remove the hook and remove
19 the line.

20 And we feel the way to do that is to
21 allow -- you know, an incentive that if you remove
22 the hook, it can go down to a lesser mortality
23 bracket. If you remove all the gear, it can go to -
24 - you know, a lesser mortality bracket. And you

1 know, I think that would be very similar to what --
2 you know, the billfish fishery has done with its
3 tremendous record of releases.

4 MODERATOR CHRISTOPHER ROGERS: Okay.

5 Glenn Delaney.

6 GLENN DELANEY: Thank you. As Nelson
7 just was addressing, the export of -- exportation of
8 this technology, the whole -- let's get back to the
9 reality here. Like marlin, where 96 percent of the
10 mortality is non-U.S. source, I think sea turtles
11 are about 94 percent estimated -- I might not be
12 exactly right, but it's greater than 90 percent.

13 You know, we're not solving a U.S.
14 problem here, although the Endangered Species Act
15 uniquely forces us to do that. The whole purpose of
16 this program really is to address sea turtle
17 conservation throughout -- well, first the Atlantic
18 and then, as we're hearing, perhaps export the
19 solution to the Pacific, as well.

20 And so what we ask the fishery to do
21 has to be practical in our own sense within our own
22 domestic realities of our fishery, but very much
23 needs to be realistic and practical and therefore
24 exportable to the 94 percent of the sea turtle

1 mortality fishing fleets, fleets that are
2 responsible for that mortality.

3 And you know, we've all talked about
4 how great this is, but let's get to the comments on
5 the proposal. You've got a situation in your
6 preferred alternatives that I think -- as Nelson has
7 said, is not exportable. You're not going to have a
8 foreign longline vessel that I'm aware of that would
9 go out of port with a set of gear that's only
10 designed for swordfish, or in the alternative
11 designed for tuna. It's just not going to happen.

12 You need to give the flexibility to
13 have both, and I think that comes down to the bait
14 issue. And I guess we're -- you know, you'll hear a
15 lot more in writing from some participants in all
16 this, but it's a little stunning and disappointing,
17 as Nelson was saying, to hear that you actually did
18 take into consideration the results of the 2003 data
19 and still came to the conclusion set forth in your
20 preferred alternatives.

21 Because we were kind of hoping that
22 the opposite was true, that the reason the preferred
23 alternatives looked the way they did is because they
24 were based on a lack of awareness of the results of

1 the 2003 data. Because if you look at the 2003 data
2 results, where some of the tests were focused in on
3 the bait issues, the results are not really from our
4 perspective meaningful difference -- what is it, 90
5 versus 85 percent reductions. You know, five
6 percent is five percent and that's important from
7 that strict perspective, but what are you trading
8 off? You're trading off exportability. You're
9 trading off practicality. You know, it just doesn't
10 work.

11 So, you know, certainly the NED fleet
12 has to travel five, eight days just to have the
13 privilege of fishing. Obviously that's impractical
14 from their standpoint. Foreign longline vessels
15 almost by definition are distant water vessels, with
16 small coastal exceptions, of course, but they're
17 gone for a long, long time, and they're not going to
18 do this the way you've got it proposed.

19 So, let's get back to what's
20 exportable on one side weighing the other benefits
21 on the other side. We'll get into that in more
22 detail, but that's a huge issue.

23 MODERATOR CHRISTOPHER ROGERS: Okay.

24 Again, we didn't want to have a formal public

1 hearing on the rule. We'll give you some time to
2 read through it and digest it and we'll get back
3 with the hearing schedule, and certainly we
4 anticipate that the availability of the e-mail for
5 public comments on the rule will facilitate the
6 communication with the affected public.

7 So, now we'd like to move into a
8 little bit more about our Bycatch Implementation
9 Plan and the effectiveness of bycatch measures taken
10 to date, primarily through the use of time/area
11 closures.

12 Joe DesFosse of our staff has been
13 one of the prime authors of our Bycatch
14 Implementation Plan, and will be tracking our
15 progress, will be posting this information
16 frequently to our website.

17
18 BYCATCH IMPLEMENTATION PLAN

19 JOSEPH DESFOSSE: Thanks, Chris.
20 Continuing the discussion on issues to address in
21 Amendment 2, there are a couple of other items that
22 could be examined in relation to bycatch reduction,
23 besides what is being developed for sea turtles, as
24 you just saw.

1 The first is to look at whether there
2 is a need for additional time/area closures for
3 gears other than longline. This would include
4 looking at closures for identified nursery areas for
5 individual species. On Monday I think there was
6 mention of possible restrictions on handgear in
7 certain areas. That would be an example.

8 The second item is evaluation of VMS
9 and enforcing the various closures for vessels that
10 are already required to use VMS. And in relation to
11 that, whether or not VMS should be required
12 throughout HMS fisheries.

13 The third item is the need for a
14 bottom longline closure off of the Florida Keys to
15 protect smalltooth sawfish and possibly other areas
16 where they may be encountered. And coordination
17 issues also exist for other fisheries or Councils
18 that have implemented time/area closures, what
19 affect they have on HMS fisheries.

20 And finally, we need to continue to
21 exam the effectiveness of the current closed areas.

22 This would include examining whether any
23 modifications to existing areas are warranted.

24 Do you want me to give me the brief

1 overview of the --

2 UNIDENTIFIED (No microphone):

3 (Inaudible.)

4 JOSEPH DESFOSSE: Okay. As everyone
5 is aware, there are a number of time/area closures
6 that were implemented for the U.S. pelagic longline
7 fishery from 1998 through 2001. At last year's
8 meeting, we presented data from the logbooks for
9 2001 to get an idea of what was happening as a
10 result of the time/area closures. 2001 and 2002
11 represent the first full years of data reflective of
12 the closures. And the analyses that went into the
13 closures in regulatory -- in the regulatory
14 amendment were based on the logbook data and not the
15 observer data. So, what follows here is just based
16 on the reported data in the logbooks.

17 The mean numbers of kept and
18 discarding fish from 2001, 2002, were compared to
19 the mean numbers from 1999 to 2000. There is more
20 detailed information included in the SAFE report,
21 the actual numbers, and a more comprehensive
22 analysis should be undertaken during the development
23 of Amendment 2.

24 Okay. I just want to note that in

1 Tables 8.2 and 8.3 in the SAFE Report, that's where
2 the details of this review is. The numbers in
3 parentheses at the bottom of the table represent
4 negative numbers or declines in the reported numbers
5 of fish. There's also a typo in Table 8.3 in the
6 year column down near the bottom. It should read
7 2001/2002, not 2000/2002.

8 Briefly, the reported effort in the
9 U.S. pelagic fishery -- longline fishery declined
10 7.3 percent from 1999 to 2000 levels. There were no
11 visible shifts in the effort evident, looking at it
12 by ICCAT reporting areas.

13 Most of the areas showed a decline in
14 the numbers of hooks set, except for the NEC, the
15 NCA and the SAR. These exhibited small increases in
16 numbers of hook -- reported numbers of hooks set,
17 but the absolute numbers in those areas are actually
18 pretty low relative to the overall effort in the
19 fishery.

20 Declines were reported for numbers of
21 kept and discarded species of note, swordfish,
22 tunas, sharks, most of the billfish, except that
23 pelagic sharks kept increased by 8.2 percent and
24 spearfish discards increased almost 25 percent, but

1 the absolute numbers of spearfish were relatively
2 low. It's in -- I think there was a difference
3 between 115 and 140 some.

4 Let's see. Other notables include
5 declines of 33 and 29 percent for the reported
6 discards of blue and white marlin. And the reported
7 turtle interactions remained relatively stable from
8 1999 and 2000, but just note the further analysis,
9 the 2001/2002 mean number of turtle interactions is
10 actually 34 percent less than what was reported for
11 1995 through 1998.

12 Should I keep going on the bycatch
13 plan or do you want to take comments now?

14 MODERATOR CHRISTOPHER ROGERS:

15 (Inaudible.)

16 JOSEPH DESFOSSE: Okay. We'll whip
17 right through this. The next item is the Bycatch
18 Implementation Plan. This is where I was stumbling
19 around on Monday, so I hope I create less confusion
20 the second time around.

21 One of the seven objectives listed in
22 the 1998 report Managing the Nation's Bycatch was to
23 develop regional, including HMS, Bycatch
24 Implementation Plans. These are part of NOAA

1 Fisheries National Bycatch Strategy. Again,
2 regional and Atlantic HMS teams developed the plans
3 and time lines to implement the National Bycatch
4 Goal.

5 The plans were developed in concert
6 with national policy and guidance on bycatch, and
7 they're based on an assessment of the progress in
8 meeting the national goal and an approach to
9 standardized bycatch reporting methodology. These
10 were all parts of the 1998 -- or the objectives in
11 the report.

12 The overall strategy for the plans
13 include: criteria for identifying vulnerability of
14 discard species to adverse impacts, application of
15 the criteria to identify most serious discard
16 problems, identifying and evaluating alternatives
17 for reducing the impacts, and strategies for solving
18 identified problems.

19 I'd just note that implementation of
20 the various strategies will vary due to rulemaking
21 schedules and resources available.

22 There were four main categories
23 identified for 2004 and 2005. They are monitoring,
24 research, management, and education and outreach.

1 Each of the activities include evaluation of
2 existing methodologies, also research for new
3 approaches.

4 Running down, without getting into
5 the details of each of the activities, I'll just
6 give an overview of what's under each of the four
7 categories. Monitoring activities in 2004 include
8 investigating baseline logbook and observer programs
9 for the purse seine fishery, investigate pilot
10 observer studies in the harpoon fishery, evaluate
11 HMS headboat mandatory observer coverage,
12 investigate bycatch data collection via the Large
13 Pelagic Survey, and evaluate trip versus set logbook
14 reporting differences.

15 In 2005, the identified activities
16 include: increasing observer coverage; promoting
17 voluntary observer coverage for HMS charter boats;
18 pursuing bycatch data collection for tuna, general
19 and HMS angling categories; and increasing the
20 sample size for for-hire and Large Pelagic Survey --
21 headboat survey.

22 The research activities for 2004
23 include: investigating the modifications in fishing
24 practices and gear modifications for longline,

1 gillnet and handgear; continuing the post-release
2 mortality research; and increasing the research role
3 on apex predators in marine ecosystems. No
4 activities were identified for 2005 at this time.

5 The management activities include:
6 implementing Amendment 1 to the HMS FMP; continue
7 analysis of the time/area closures; evaluate
8 applicability of bycatch reduction measures from the
9 NED experiment to other U.S. and international
10 fisheries. And in 2005: investigate methods to
11 reduce overcapacity; implement new or modified
12 bycatch reduction measures as appropriate.

13 And the final topic is education and
14 outreach: develop handling and release brochures;
15 update NOAA Fisheries HMS Bycatch website with
16 bycatch related materials; prepare and distribute
17 materials for trade shows and conferences;
18 conducting workshops in 2005 for high priority
19 fisheries; and attendance at fishery trade shows and
20 conferences.

21 One final note, the activities are
22 what the agency has identified so far. Additional
23 activities could be added, including any proposed by
24 the AP. I don't know what the process is yet for

1 incorporation of new activities or time lines, but
2 this is a working document, so opportunities should
3 be available to add those activities or
4 modifications to them.

5 MODERATOR CHRISTOPHER ROGERS: Okay.

6 Thank you, Joe. I hope that at least gives all the
7 panel members a flavor for what's been accomplished
8 as documented in the SAFE Report in terms of bycatch
9 reduction to date. And certainly what are we doing
10 about bycatch is answered at great length in the
11 Bycatch Reduction Implementation Plan.

12 As Joe said, it is intended to be a
13 living document. It will be posted -- or is posted,
14 will continue to be posted on the website and we'll
15 update it accordingly as new activities are planned
16 or we get returns, results, from ongoing activities
17 and want to modify accordingly.

18 So, we do have a few minutes before
19 lunch to have a couple of comments about bycatch or
20 Bycatch Implementation Plan. Bycatch Reduction
21 Implementation Plan. We're not trying to implement
22 bycatch. We're trying to implement reduction.

23 We'll go around this way this time.

24 Bob Hueter.

1 ROBERT HUETER: Yeah, I just want to
2 say a few words in support of the bullet about
3 sawfish bycatch. Although this is not an HMS
4 species, it is a relative of the shark's. It's the
5 world's largest species of ray. It's a spectacular
6 animal that at one time was distributed from New
7 York all the way to the Texas border. But in the
8 20th century, coastal net fisheries reduced the
9 numbers of these animals now down to a remnant
10 population of about 1 to 3,000 animals left in the
11 Everglades, centered in the Everglades.

12 And so -- and this is the first
13 species of shark or ray that has been added to the
14 Endangered Species List. It was done last -- April
15 of last year. So, anything that reduces bycatch of
16 these animals is very useful, given that there's so
17 few left.

18 And the shark observer -- the bottom
19 longline observer program has come up with a number
20 of sawfish catches in that fishery. Apparently in
21 the wintertime off the Florida Keys, it turns out
22 that these animals, which are very shallow-water
23 animals during the warm periods of the year, go to
24 deep water in the wintertime where the water stays

1 relatively warmer, down to hundreds of feet.

2 So, I know the catches -- the
3 observed catches are low, but if you multiply that
4 times the amount of effort in the area, the
5 potential impact on this very small remnant
6 population is potentially significant. So, I would
7 support protection of that species in that area.
8 Thank you.

9 MODERATOR CHRISTOPHER ROGERS: Merry
10 Camhi.

11 MERRY CAMHI: I want to echo Bob's
12 comments on sawfish and also mention that although
13 it is listed as an Endangered Species, so there does
14 have to be a recovery plan process, but that's going
15 to take years probably to develop, and so this kind
16 of action that can maybe be implemented immediately
17 until they go through that process I think would be
18 very helpful given the very few numbers of animals
19 that are remaining.

20 And one other bycatch issue that we
21 did not get to the other day when we were talking
22 about sharks was concern -- ongoing concern about
23 bycatch of sharks in the shrimp trawl fishery in the
24 South Atlantic as well as the menhaden fishery in

1 the Gulf of Mexico. And we have -- we only have
2 very old numbers from the mid 1990's about that. We
3 know that it is a very significant form of bycatch.

4 We keep bringing it up, but no one's going down
5 there and investigating it further.

6 We offered -- and I don't understand
7 exactly the reasons why, and we've offered no
8 solutions as to how to deal with at least the
9 menhaden. I know that the turtle excluder devices
10 are getting a little bit at the bycatch in the
11 shrimp trawl fishery, but I would like some feedback
12 on what is happening, what you plan to do on this
13 very large bycatch. We're talking about -- you
14 know, seven percent, I think of the large coastal
15 shark quota is taken incidentally there. And what
16 are we doing about it?

17 MODERATOR CHRISTOPHER ROGERS: Well,
18 we have been in dialogue with the Gulf States
19 Commission since the majority of the menhaden
20 fishery is conducted within the state waters and is
21 in a sense regulated under the purview of the
22 Commission. So, we'll be continuing to discuss with
23 them ways of mitigating bycatch, as well as trying
24 to update some of the research and being able to

1 characterize the numbers.

2 I know there's some reports about the
3 number of sharks taken and the species composition,
4 and there are some concerns that it's dated, and
5 needs to be -- get a fresh look at it. So, we'll
6 see what we can do to sponsor that research and
7 again try to get the cooperation of the respective
8 states as well as the Gulf States Commission. Joe
9 McBride.

10 JOSEPH MCBRIDE: Thank you, Chris.
11 Joe, I have two questions here. First, if I'm
12 reading the slide projection here, Bycatch
13 Reduction. In 2004 you intend to start the observer
14 program on the headboats; is that correct? Whoever
15 wants -- I don't care who answers --

16 MODERATOR CHRISTOPHER ROGERS: We
17 have had a contract option under the Large Pelagic
18 Survey to place those headboat observers, and we
19 have done that subject to the availability of
20 funding. What we're saying is we're making it a
21 priority for 2004.

22 JOSEPH MCBRIDE: I'm just reading
23 your slide here. It says in 2004, if I'm reading it
24 correctly, evaluate headboat mandatory observer

1 coverage. So, I assume you're going to make it
2 mandatory to some degree, whatever percentage is --
3 okay, that's one.

4 And then 2005 for the charter boat
5 industry, or are you going to do it in 2004, also,
6 and work into 2005?

7 MODERATOR CHRISTOPHER ROGERS: The
8 charter boat and private boat sector would be a
9 voluntary program. So, we'd be examining how to
10 implement --

11 JOSEPH MCBRIDE: Oh, okay.

12 MODERATOR CHRISTOPHER ROGERS: -- a
13 voluntary program.

14 JOSEPH MCBRIDE: All right. But my
15 point if it's a voluntary program -- I guess there's
16 some expensive in putting observers on, even if
17 they're voluntary. All right. I mean you could
18 start whenever you thought it was apropos to get the
19 information you need and so forth and so on.

20 Now, the next thing, what is going to
21 be your universe that you're going to put these
22 observers on? What charter and party boats are you
23 going to -- how are you going to find them
24 coastwide?

1 MODERATOR CHRISTOPHER ROGERS:

2 Coastwide, we would probably start with the list of
3 HMS charter/headboat permitted vessels.

4 JOSEPH MCBRIDE: Okay. That's what I
5 assumed you were going to say. Because there's many
6 -- there are many who don't fit into that category
7 that don't -- you know, smaller charter boats, ones
8 that don't go offshore, et cetera. And I don't want
9 to be -- you know, when it comes to the for-hire
10 survey, because I cooperate, I'm very lucky -- I get
11 home about 7 o'clock I guess at night, I'm in bed by
12 8 o'clock.

13 And in that hour I get two or three
14 calls from a survey group, you know, whether it's
15 Quantech, whether it's a for-hire survey, whether
16 it's whomever else is involved in surveying. And my
17 wife really appreciates it.

18 So, unless you want to feel her wrath
19 next year, don't call me at 7, 8 o'clock
20 consistently. Because I'm one of the few that
21 participate in the for-hire, and you know, they call
22 me infrequently. I tell them listen, guys, I know
23 you get \$10 a call here, whatever the figure is, but
24 get somebody else once in a while, will you?

1 And I'm saying that tongue in check,
2 but it's factual. And not only for me, but other
3 people who participate get tortured, because they're
4 the ones they can get the information from.

5 MODERATOR CHRISTOPHER ROGERS: Okay.
6 Frank Blount.

7 FRANCIS BLOUNT: Yes, thank you,
8 Chris. I know you mentioned you'd go to the
9 universe of the HMS permits, but I hope you would
10 further define -- not define it, but limit your --
11 the observers to trips that are actually involved in
12 HMS. Because I mean there's going to be a lot of
13 boats that have the permit, and like my operation,
14 we're only HMS fishing probably -- you know, ten
15 percent of the time. I wouldn't want to see
16 observers -- you know, if the funds become
17 available, let's not waste them on where they're not
18 needed.

19 MODERATOR CHRISTOPHER ROGERS: That
20 is their protocol, to contact the headboat operators
21 and schedule the observers for HMS related trips.
22 Other bycatch related concerns? Ellen Peel.

23 ELLEN PEEL: Looking at the map on
24 page 39 in the Bycatch Report, in the Gulf of

1 Mexico, I know it's showing sea turtle bycatch here,
2 but earlier in 2000 I believe it was that Doctor
3 Goodyear did some analysis on marlin bycatch. And
4 that same area was a high concentration by a more
5 nontraditional group of longliners within the U.S.
6 fleet.

7 Now, application of the new circle
8 hooks in the longline fleet there, theoretically,
9 maybe you'd be bringing up fish that can be released
10 alive, a better chance. If that somewhat
11 nontraditional fleet there will release them, then
12 we should also be reducing bycatch mortality. But
13 that area -- I mean we'd be interested in seeing
14 what --

15 UNIDENTIFIED (No microphone):

16 (Inaudible.)

17 ELLEN PEEL: Huh? Yeah, the Gulf of
18 Mexico, that central area that we looked at back in
19 the 2000, where there was a high -- relatively high
20 -- I mean, you know, again we're talking about X
21 number of fish, where there was a high -- the
22 concentration of marlin happens to be right where
23 this turtle bycatch area is. So, we'd be interested
24 in looking at whether there's enough enforcement to

1 get some of those nontraditional longline vessels to
2 release the marlin that should be alive. If not,
3 then you'd have to look at the next alternative or
4 another alternative in reducing bycatch, which
5 earlier we had talked about a time/area closures.
6 But if the circle hooks will do it, fine. If not,
7 we'll need to look at perhaps time/area closure as
8 an option.

9 MODERATOR CHRISTOPHER ROGERS: Okay.

10 Thank you, Ellen. Other comments on bycatch in HMS
11 fisheries? Nelson Beideman.

12 NELSON BEIDEMAN: Yeah, I presume
13 this is also on time/area closures, since they
14 reviewed time/area closures, as well. First off,
15 and I'd like to reiterate something I put on the
16 table at the ICCAT Advisory Committee, I do not
17 expect -- I do not anticipate -- I am not working
18 toward -- Blue Water is not working toward any
19 general reopening of the Florida straits swordfish
20 nursery grounds. I don't expect that in my
21 lifetime. It was a true nursery ground. That's why
22 it's closed.

23 But when those time/area closures,
24 that round of time/area closures were put in, the

1 only thing that we could work with is one degree
2 blocks instead of fathom lines, instead of -- you
3 know, other contours, et cetera.

4 We do think that there should be
5 research done in -- you know, north of 27-30 north,
6 north of the Bahamas, outside of the axis of the
7 stream in the deeper water where the bycatch problem
8 is not the same as inside the gulf stream. The
9 problem with small swordfish was always in the
10 straits and on the inside. In the straits because
11 you have shallow water on both sides of the stream.

12 The bycatch problem is dramatically, you know,
13 reduced, north of 27-30 north.

14 UNIDENTIFIED (No microphone):

15 (Inaudible.)

16 NELSON BEIDEMAN: No, it's -- you
17 know, yeah about Stuart -- about Stuart, Florida
18 north.

19 UNIDENTIFIED (No microphone):

20 (Inaudible.)

21 NELSON BEIDEMAN: Right. And we do
22 think that there should be HTR, hooking time
23 recorders, time depth recorders, and circle hook
24 research done. But again, not in the straits, and

1 not on the western side of the stream where the
2 recreational fishery is.

3 If we're out there surveying the
4 offshore boundary, we don't even expect that you
5 would even know that we were there or see us or
6 anything else.

7 Secondly, the DeSota Canyon area.
8 You know, that really needs to be looked at closely.

9 Again, when we use one degree blocks, and we had
10 told you at the time, the southern end of that
11 closure on the offshore side, not the inshore side,
12 the offshore side, you know, the loop current comes
13 up and that's a productive, clean -- you know, tuna
14 and swordfish area. And Don can expand on that
15 more.

16 But that whole closure, DeSota
17 Canyon, I'm not sure it's really made sense for --
18 you know, its intended use. And Ellen is, you know,
19 right to bring up that there's other things going on
20 in the Gulf of Mexico that may have higher
21 priorities than what we've done with DeSota Canyon.

22 So, I would say you need to really consider what's
23 going on down there in the next few years.

24 And again, Ellen brought up what

1 these changes in gear type do. And I'll tell you
2 the honest to God truth, the whole key of whether or
3 not the Gulf can survive is going to be whether or
4 not they can pay attention to using these
5 technologies to benefit the sea turtles and other
6 bycatch. If they don't use them, and they're not
7 using them -- you know, today, I don't see the Gulf
8 stemming off the major closures in the future.

9 The June closure, we would really
10 like National Marine Fisheries Service to reanalyze
11 that, considering the new 1-2-3 regulation. We've
12 always felt that -- you know, that closure is
13 primarily due to an anomalous trip, and you know,
14 the 1-2-3 will change what would possibly be
15 discarded.

16 And also we think that there should
17 be research done on bluefin tuna for breakaway gear,
18 whether it be in the form of a link, whether it be
19 in the form of -- you know, lighter monofilament,
20 whether it be in the form of a weaker hook. And a
21 weaker hook may well work for bluefin tuna, both in
22 that June closure and in the Gulf of Mexico.

23 Lastly, the bycatch plan. You know,
24 it was very, very upsetting -- and I still haven't

1 really come down, you know, going over this bycatch
2 plan in yet another year. We've got to climb up out
3 of denial. And I'm sorry, and I don't want to be --
4 you know, creating a big conflict, but everybody at
5 this table knows quite well that baited hook in warm
6 pelagic waters will interact with many things. Most
7 of those interactions are nonlethal, which is great.

8 But if we could ever get through the politics and
9 just work on the problems, we could probably solve
10 quite a bit.

11 The pelagic longline on this Table 1
12 is quite detailed. I'm not sure that it includes
13 everything. There may be some more that needs to be
14 added there. But then when you get to the -- you
15 know, all the other HMS hook and line fisheries, not
16 just recreational hook, commercial as well, it's
17 totally forgotten such things as birds, sea turtles,
18 billfish, undersized billfish, marine mammals,
19 prohibited sharks, after -- you know, large coastals
20 after the closures.

21 I mean, all these things interact
22 with a baited hook in warm waters. And there isn't
23 anybody that can truthfully deny that in any way,
24 shape or form. I think the agency should -- you

1 know, be the ones that -- you know, bring honesty --
2 you know, to these type of tables and reports.
3 Because we're never going to get to the problems if
4 we can't -- you know, at least set the problems on
5 the table.

6 There was one other thing. It has
7 escaped me. Thank you.

8 MODERATOR CHRISTOPHER ROGERS: Okay.

9 Ken Hinman, Don Nehls and then we'll break for
10 lunch.

11 KEN HINMAN: Thank you, Chris. First
12 a question. In your table on page -- I should have
13 had it out here. Anyway, it's the table that
14 describes the pelagic longline landings and dead
15 discards for the last five or six years.

16 UNIDENTIFIED (No microphone):

17 (Inaudible.)

18 KEN HINMAN: Yeah. Okay, it's page
19 21. There was -- for white marlin and blue marlin
20 the numbers are much lower for 2001 than for 2002.
21 And the closures were only in effect for part of
22 2001, but for all of 2002. So, I'm wondering have
23 you determined an explanation for why that number of
24 discards went up so much in the second year of the

1 closures and full implementation of the closures?
2 Was there some kind of reconfiguring of the fleet
3 after it adjusted to the closures, shifting of
4 effort one year to the next? Or is this just
5 something that's unexplained?

6 JOSEPH DESFOSSE: I haven't looked in
7 enough detail to even try to answer. So, I don't
8 know. I thought that -- Chris, --

9 MODERATOR CHRISTOPHER ROGERS: But
10 you know, generally there's going to be some
11 fluctuation from year to year. And that's something
12 we have to deal with in formulating these area
13 closures, and that sort of gets to the point that
14 Nelson raised, is that in order to ensure that they
15 would would be effective to some degree, you need to
16 average several years of data. And for that reason,
17 the areas get broader than they might need to be if
18 you had more specific data and could predict where
19 the interactions would occur from year to year.

20 So, there may be some need for
21 refinement. Obviously it's some element of random
22 nature of interactions. But also some element of
23 adjustment to the closures, where people fish. And
24 to some extent it's a shifting baseline. As we just

1 discussed, we have another rule coming into play
2 with circle hooks and bait restrictions. So, it's
3 constantly subject to change, and sometimes it's
4 difficult to ferret out exactly what the individual
5 causes would be. But we obviously know what happens
6 in total.

7 KEN HINMAN: Okay. Joe.

8 JOSEPH DESFOSSE: Yeah, there was
9 additional analyses done that weren't presented
10 here. We looked at '95 through '98 as a baseline
11 period and compared the marlin discards for 2001 and
12 2002 to that baseline. And blue marlin decreased 62
13 percent and white marlin decreased 53 percent, just
14 what was reported in the logbooks.

15 KEN HINMAN: Okay, yeah, that's --
16 that was going to be one of my points is that you
17 obviously have to -- you know, one year certainly,
18 not even two years, really can discern any kind of
19 pattern or trend.

20 And I am aware of other things going
21 on in the fishery, not just in the last couple of
22 years, but in the last ten years that affects effort
23 and affects where people fish and how much they
24 fish. I mean the decline in effort that's occurred

1 in the last -- since the closures went into effect,
2 there was also a 21 percent decline in effort in the
3 five or six years preceding those closures, in
4 numbers of hooks set.

5 But I'm glad that -- and I don't
6 really have any objection to a serious analysis of
7 what Nelson's proposing as we look at the
8 effectiveness of these closures. And I certainly
9 have some areas I think where we might be looking at
10 broadening the closures, not just spatially but
11 temporally, to achieve better some of our
12 objectives.

13 The Charleston Bump is an area where
14 there was identified as a very large percentage a
15 number of juvenile swordfish discards, and that is a
16 three-month closure. And the original proposal was
17 for a much longer period of time, actually a year-
18 round closure. And there are other times of the
19 year, towards the end of the year in particular,
20 where you might look at additional closures where
21 you could get more reduction in the swordfish
22 juvenile catch.

23 And I think that's something that
24 really needs to be emphasized over the next few

1 years, that we seem to be in the midst of a
2 swordfish recovery, and that means there's a lot of
3 juvenile fish that are coming along and that are
4 getting bigger.

5 And I think these nursery ground
6 closures are going to be -- not just critical now,
7 but they're going to be extremely critical over the
8 next few years to make sure that that recovery is
9 complete and actually results in big fish and more
10 fish recruiting into the fishery.

11 The last thing I guess I just want to
12 say is that I think there's this big communication
13 gap here that seems to come up at all these meetings
14 about what really is our bycatch problem. And
15 there's always this equating of -- you know,
16 everybody's picking on the longliners, and there's
17 equating of hook and line fisheries across the board
18 of having all kinds of bycatch problems.

19 And I think what we're forgetting is
20 why these areas were closed to longlines in the
21 first place. And it was not just because of the
22 capture of small swordfish, and it wasn't just
23 because of capture of other species. It was the
24 high numbers and the high incidence of mortality

1 that resulted from those captures. So that if you
2 have large numbers of small swordfish being caught
3 on other gear and they are released alive, it's a
4 whole different ball game than if you have large
5 numbers of small fish that are being caught on
6 longlines where 75 to 80 percent of those fish are
7 dead when they're brought to the boat, and therefore
8 cannot be released alive.

9 I mean I think bycatch is a problem.

10 It's a real problem and it's a serious problem that
11 needs to be addressed when we're talking about
12 bycatch mortality. And I think that's what we can't
13 lose focus of. And when we start equating different
14 kinds of hook and line fisheries, we have to
15 remember that when you bring the fish up dead, you
16 have zero options of what to do with it. If it's
17 alive and you have the opportunity to release it
18 alive, it's a whole nother -- it's a whole nother
19 issue, and you can't equate the two. And I think
20 that's what we're hearing going on here is that
21 people are saying -- you know, since longliners were
22 kicked out of these areas, everybody with a hook and
23 line should stay out of these areas.

24 If a commercial rod and reel

1 fisherman, handgear fisherman, recreational is
2 fishing in these areas, they're catching undersized
3 swordfish, they're releasing them alive. That's not
4 the same problem as hooking them on longlines where
5 study after study has shown -- and I don't think the
6 logbooks dispute this, is that three quarters or
7 more of those fish are dead when they're brought up.

8 MODERATOR CHRISTOPHER ROGERS: Okay.

9 Don Nehls, then we'll break for lunch.

10 DON NEHLS: Oh, gee, thanks. No, but
11 I don't have -- I have a lot of problems with a lot
12 of this stuff. People that are trying to talk about
13 more and larger closed areas, the biggest problem I
14 have with all that stuff is the fact -- the
15 enforcement issues. You did a Gulf of Mexico live
16 bait closure in the Gulf and it's not being
17 enforced, when it's obviously very blatant that it's
18 happening.

19 Even before the billfish guys -- I
20 don't know, Ellen's on the phone or something there.

21 You know, if she's concerned about this hot spot of
22 marlin bycatch and stuff like that there, well,
23 you're going to go back at some point that live bait
24 was -- in when, '99? So, that was taken and put

1 into effect on paper and up here in Silver Springs
2 it was taken in effect then.

3 When you look later on down the road
4 to see what the effect was of that, you're going to
5 see that it's not very efficient. Or if you show
6 that it's efficient, I don't buy that. Because
7 there is so much live bait still being used in the
8 Gulf.

9 Also, with this time/area closures,
10 as Nelson said, in the straits of Florida, the
11 recreational fishery is there and we don't want to
12 screw with that. I live down there. I don't see a
13 problem with leaving that how it is. On the eastern
14 side of the gulf stream, above the Bahamas and those
15 areas there, when they're talking about one degree
16 area, that's a 60-mile area that they're collecting
17 the data from.

18 I know for a fact in the Gulf of
19 Mexico, in the DeSota Canyon block there, now with
20 the VMS and the problems with the U.S. EEZ and stuff
21 like that, the Gulf of Mexico got very, very small.

22 But where the DeSota Canyon in the August,
23 September, when the loop current pushes up into the
24 northern Gulf there, you basically cut off the whole

1 top of the loop current.

2 That, with just moving that line up
3 another 10 or 15 miles, which that's all that that
4 loop current goes into that closure block, it's
5 still way off of the banks, so there isn't any gear
6 conflicts with the recreational fishermen, and also
7 the west coast of Florida block that's in front of
8 Tampa, when that loop current pushes up to the
9 north, it kind of fills up that whole bay of the top
10 corner of the Gulf of Mexico and you can't fish to
11 the east side of the loop current there.

12 Nobody's ever talked about okay,
13 let's go look at these lines a little bit. If we
14 move this up ten miles it doesn't conflict or have
15 any problem. We're only talking about ten miles.
16 You're not talking about moving it all the way back
17 up or 60 miles or something, just small changes.

18 When we were there in the Gulf this
19 summer with some scientists on board the boats and
20 stuff like that, and guys from John Watson's office
21 on the boat, they were there and they saw it. You
22 know, that if you just moved the line a little bit,
23 it would make it a viable fishery there.

24 But the main problem, before anybody

1 starts talking about more time/area closures and
2 stuff, the time/area closures that you put in place,
3 those need to be time/area closures. When they had
4 a closure on the Grand Banks, you couldn't go across
5 the line. And that's what a closure is. You know
6 what I mean? It's hard and black and white.

7 Those are the main problems that I
8 have with that stuff there, is I guess one, because
9 of the live bait scenario in the Gulf, that's not
10 being enforced, you're not getting a true read on
11 what's happening there. That's a major problem, not
12 only for us longliners, but also for the
13 recreational guys with the billfish numbers and the
14 turtle guys.

15 Because with that live bait fishery
16 not being enforced, the types of hooks that they're
17 using so that those small live baits live are very
18 small J-hooks, so your turtle interaction numbers
19 are going to go through the roof, and also your
20 mortality on the marlin that they do catch go
21 through the roof.

22 MODERATOR CHRISTOPHER ROGERS: Okay.

23 Thank you, Don. Let's take a lunch break and be
24 back here in 20 minutes? How about 1:30. One hour

1 and five minutes grace period.

2 (LUNCH BREAK.)

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK

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